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New York

President:	Mr. Lacroix	(France)
Members:	Austria	Mr. Ebner
	Burkina Faso	Mr. Koudougou
	China	Mr. Hu Bo
	Costa Rica	Mr. Weisleder
	Croatia	Mr. Skračić
	Japan	Mr. Ashiki
	Libyan Arab Jamahiriya	Mr. Dabbashi
	Mexico	Mr. Puente
	Russian Federation	Mr. Zheglov
	Turkey	Ms. Ormancı
	Uganda	Mr. Butagira
	United Kingdom of Great Britain and Northern Ireland	Mr. Saltonstall
	United States of America	Ms. Lavin
	Viet Nam	Mr. Bui The Giang

Agenda

Protection of civilians in armed conflict

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The meeting resumed at 3.10 p.m.

The President (*spoke in French*): I give the floor to the representative of Switzerland.

Mr. Maurer (Switzerland) (*spoke in French*): I thank the delegation of France for having organized this debate and Under-Secretary-General John Holmes for his briefing this morning.

My country is grateful to the Office for the Coordination of Humanitarian Affairs (OCHA) and to other United Nations entities for their committed efforts in the area of civilian protection.

I should like to focus my statement on the following several points. First, the protection of civilians in armed conflict is a permanent necessity and requires the concerted action of many actors. The Emergency Relief Coordinator has rightly mentioned a number of specific situations that show the importance of having a conceptual framework that is clear but that is applied in a flexible manner. Our strategic objective must be to strengthen the protection framework and to ensure that it is actually implemented in conflicts on the ground.

Secondly, we appreciate the work undertaken by OCHA to update the aide-memoire. That very practical text illustrates the developments made in this area over the past few years. In terms of the work of the Council, we identify several major challenges. It must ensure that best practices are applied more systematically and that the language of protection is better integrated into country-specific resolutions. There must be further development of specific implementation mechanisms; hence the importance of the establishment of a group of experts on the protection of civilians. Resolutions should better reflect needs on the ground; this requires better articulation of protection mandates in the terms of engagement of peacekeeping operations, the enhancement of monitoring capacities, more systematic methods of information gathering and the integration of some of these activities into the budgets of peacekeeping operations.

Moving forward in that way, efforts to ensure better coherence will also need to be stepped up. Good practices learned in one case should be applied in others. Representatives from throughout the United Nations system and experts should be invited more frequently to present their views, thus enabling the Council to reach decisions fully aware of the facts.

Thirdly, the current situation in Gaza dramatically illustrates the importance of the issue we are discussing today. The main victims of the Israeli-Palestinian conflict are civilians. Switzerland is deeply shocked by the high number of civilians who have been killed or wounded, in particular the high number of children. This situation underlines how important it is that the law not go unheeded and that it be truly implemented. It also reminds us that the protection of civilians cannot be ensured by purely humanitarian means but that political negotiations are the only path to achieving lasting solutions.

Switzerland therefore reiterates its call for the immediate cessation of hostilities, the protection of the humanitarian space and the strict respect for international law by all parties to the conflict. This includes in particular the obligation to respect the principles of distinction, proportionality and the taking of precautions. Switzerland also wishes to recall that all the parties to the conflict are under the obligation to protect medical personnel, hospitals and other health facilities.

We welcome the call made by the Security Council in its resolution 1860 (2009) for an immediate ceasefire and for the unimpeded provision and distribution of humanitarian assistance throughout Gaza. This call must be respected immediately by all parties to the conflict. However, we are disappointed that the resolution makes no mention of the importance of respect for international humanitarian law. It is to be deeply regretted that this body of law and therefore its references to the Geneva Conventions have become the object of political negotiation and discretion. It is by insisting on the strict application of international humanitarian law in situations of armed conflict that the Council will be able to better protect civilians — a fact that the Council itself underlined in its presidential statement of 27 May 2008 (S/PRST/2008/18).

Furthermore, last week Switzerland called for an impartial inquiry into the allegations of violations of international law committed during these hostilities, including the attacks on two schools run by the United Nations Relief and Works Agency for Palestine Refugees in the Near East. In this context, it is essential that light be shed on all allegations of violations committed by all parties.

Although our attention is currently turned towards the situation in Gaza, we should nevertheless

not forget the other extremely worrying situations concerning the protection of civilians. We are thinking in particular of the Democratic Republic of the Congo, including in terms of children in situations of armed conflict. We are also thinking of the situation of internally displaced persons in Sri Lanka. We also remain extremely concerned by the situation in Darfur, where humanitarian access remains a problem.

Finally, we are well aware that the often complex realities of crisis situations demand considerable training, clarification of law when necessary, and the application of law in order to respond to realities on the ground. In this regard, following a meeting of experts held in July 2008, Switzerland is considering drafting a practical guide for humanitarian actors which would make explicit and clarify the relevant legal framework. The Council could give political support to this kind of expert work in implementing the recommendations of the aide-memoire.

The President (*spoke in French*): I now give the floor to the representative of Qatar.

Mr. Al-Nasser (Qatar) (*spoke in Arabic*): The State of Qatar attaches great importance to the protection of civilians in armed conflict. I therefore thank you, Mr. President, for giving me the opportunity to participate in this important debate today. I would also like to thank Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, for his important briefing.

The Security Council has clear responsibilities in the area of protecting civilians in armed conflict, including situations of foreign occupation, which are governed by the rules of international law. International humanitarian law, and international human rights law in particular, prohibit killing civilians and exposing them to harm. They also prohibit reprisals against civilians and civilian targets, including health and educational institutions, and the deliberate destruction of homes. These laws confirm that the wilful commission of such prohibited acts constitutes a war crime.

Despite the principles and provisions that represent legal safeguards for the protection of civilians in armed conflict, such conflicts are still claiming the lives of innocent civilians, whose fundamental rights and freedoms are being violated. The problem, therefore, lies in the non-implementation of international legal instruments and in the use of double standards in addressing various situations in which the international community has failed to enforce international laws and resolutions and to hold the perpetrators accountable before such laws. This in turn emboldens the perpetrators and gives them carte blanche to commit such acts.

Conversely, when the international community has been determined to enforce the laws necessary for the protection of civilians in times of armed conflict and to achieve that through existing mechanisms, it has succeeded on many occasions in fighting impunity, ensuring the protection of civilians and strengthening their human rights.

Today, the war on the Gaza Strip enters its nineteenth day. Palestinian civilians in Gaza are subject on a daily basis to relentless military attacks by Israel, the occupying Power. Such attacks do not discriminate between women, children, the elderly or people with disabilities.

In a speech delivered on 4 January 2009, His Highness Sheikh Hamad bin Khalifa Al-Thani, the Emir of the State of Qatar, called on the international community to undertake efforts for the protection and relief of Palestinians in the Gaza Strip. His Highness highlighted that the Israeli war machine targets everybody and does not discriminate among its victims. He also said that a war waged with such force against civilian targets cannot but constitute a war crime, as it clearly violates international humanitarian law and international human rights laws, including the Geneva Conventions, and in particular the Fourth Geneva Convention, which includes provisions on the protection of civilians under foreign occupation. The number of Palestinian civilian killed in Gaza Strip has almost reached 1,000. What are we going to do about it?

United Nations reports, including reports by the Office for the Coordination of Humanitarian Affairs and UNICEF, highlight the dire situation in which Palestinian children and their families are still living. Entire families have been killed and buried alive under the rubble of their homes. Those who have managed to survive suffer psychological trauma that will haunt them for the rest of their lives. Others have suffered serious injuries and have become mentally and physically disabled.

The Palestinian civilian population in the Gaza Strip is subjected to a campaign of collective punishment, as stated by Mr. Richard Falk, the Special

Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967. The infrastructure in Gaza, including hospitals and schools, is also under constant attack. The continuous targeting of such institutions leaves no safe areas for the civilian Palestinian population to shelter.

This situation prompted Her Highness Sheikha Mozah Bint Nasser Al-Missned, Consort of His Highness the Emir of Qatar, in her capacity as UNESCO Special Envoy for Basic and Higher Education, to address a letter to the Secretary-General on 5 January, calling upon the Security Council and the international community to ensure the necessary protection for educational institutions in Gaza with a view to providing a safe haven for the children of Gaza and their families, allowing access to humanitarian assistance and basic materials and evacuating the sick and the wounded.

The world has witnessed how Israel targeted the Al-Fakhura School run by the United Nations Relief and Works Agency for Palestine Refugees in the Near East. The school provided protection for the children of Gaza and their families, who took refuge in the premises, believing they were in a safe haven. Forty-five people were killed and another 130 were wounded.

We reiterate our call on the Security Council to shoulder its responsibilities, meet its obligations to protect civilians in armed conflict and ensure respect for the instruments of international law and Security Council resolutions, which provide the legal basis for the protection of civilians in armed conflict, including in situations of foreign occupation. The rule of law constitutes a fundamental issue in armed conflict. It is therefore imperative for us to realize that respect for international law constitutes the true basis for a world free of armed conflict.

The Security Council today, faced with the indiscriminate aggression against the Gaza Strip, must shoulder its responsibilities towards the Palestinian civilian victims, especially the Palestinian women and children who have been maimed, burned and buried under the rubble by the Israeli war machine, which has spared no one. We would like to remind the Security Council that it is fully responsible for its failure to enforce its most recent resolution, among several others that provide for the protection to which the afflicted Palestinian people are entitled, and to stop the massacre being committed against them.

The President (*spoke in French*): I now give the floor to the representative of Uruguay.

Mr. Cancela (Uruguay) (*spoke in Spanish*): Allow me to begin by expressing my thanks to the delegation of France for convening this debate under its presidency. Allow me also to reiterate the importance of such meetings, which facilitate interaction between the Security Council and non-member States. I would also like to welcome the valuable briefing given this morning by the Under-Secretary-General for Humanitarian Affairs.

Ten years ago, this Council held its first open debate on the protection of civilians in armed conflict. At the time, it was hailed as a milestone in the Council's work. Since then, the work of both the Security Council and the United Nations as a whole has witnessed some advances and various difficulties in implementing policies intended to ensure the protection of civilian populations in armed conflicts.

As noted by the Secretary-General in his most recent report on this subject, within the Council the normative framework for the protection of civilian populations in armed conflict has been fine-tuned, beginning with resolutions 1265 (1999) and 1296 (2000). This has been reflected in the adoption of a number of resolutions that emphasize the protection of women and children in armed conflict and has been bolstered by the adoption of resolutions 1674 (2006) and 1738 (2006). That normative progress has been complemented by the inclusion of activities pertaining to the protection of civilians in the mandates of existing peacekeeping operations. That illustrates how the Council has gradually modified its focus on the protection of civilians in armed conflict.

Notwithstanding the progress made, Uruguay notes with particular concern that, despite the reduction in the number of conflicts throughout the world, as pointed out in the latest report of the Stockholm International Peace Research Institute, civilian populations continue to experience acts of brutality and degradation as a result of being in the wrong place at the wrong time or being deliberately selected as victims of atrocities in an environment of almost complete impunity. Unfortunately, in recent days we have witnessed the unfolding of actions whose result has been aggression against civilian populations and the obstruction of crucial humanitarian assistance to the victims of those actions.

Uruguay has demonstrated its unwavering commitment to international humanitarian law, as illustrated by our adherence to and implementation of all the Geneva Conventions of 1949 and their Additional Protocols; the Rome Statute, which established the International Criminal Court; The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Protocols' and the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques. All those instruments constitute the essence of international humanitarian law.

On the ground, Uruguay, one of the largest troop contributors to United Nations peacekeeping operations, has demonstrated its unequivocal commitment to the protection of civilians. In the various peacekeeping operations to which Uruguay has contributed, including those in which my country is currently participating, Uruguayan contingents have escorted and protected United Nations agencies, the International Committee of the Red Cross and non-governmental organizations providing humanitarian assistance. They have helped refugees and internally displaced persons return to their homes. They have neutralized the harmful potential to civilians of anti-personnel mines. Uruguayan military and civilian personnel have also initiated reconstruction efforts in countries devastated by conflict, including in the Democratic Republic of the Congo and Haiti. Uruguayan personnel deployed in the field have also carried out humanitarian campaigns to mitigate the harm suffered by civilians in countries afflicted by natural disasters.

Uruguay's experience on the ground has also led us to voice a crucial concern. On numerous occasions, Uruguayan contingents have warned of the impossibility of carrying out expanded humanitarian assistance and civilian protection efforts due to the fact that destabilizing forces in a given region were several times greater in number than the personnel of peacekeeping operations. We believe that such situations give rise to the need, at the time that a peacekeeping mission is established or renewed, for Security Council mandates to envisage the necessary strategic and logistical provisions to address the implementation of those tasks as best as possible. As pointed out earlier, in addition to clear and specific mandates, it is essential that United Nations forces have at their disposal the essential means and capabilities to effectively protect civilians. That imperative need is both a great challenge and a responsibility for the Organization and all its Member States.

Uruguay shares the Secretary-General's view with regard to the four challenges that the international community must address with regard to the protection of civilians, namely, the need to ensure access to civilians so that they can be provided the assistance they need to survive; combating and eradicating the heinous practice of sexual violence in armed conflict; the need to more systematically address the effects of conflict on homes, land and property; and the importance of putting an end to the unacceptable humanitarian consequences of cluster munitions. In connection with those challenges, Uruguay would like to reiterate its position, which we have previously stated in other forums, that the activities of the United Nations in providing humanitarian assistance must be carried out in accordance with the principles of humanity, neutrality, impartiality, independence, respect for international humanitarian law and security for personnel on the ground — all the while bearing in mind that the primary responsibility for the protection of civilians lies with States.

The twentieth century witnessed atrocities and abhorrent acts of aggression against innocent civilians that had an impact on entire peoples. Sadly, the final years of that century and the early years of the twenty-first century have also produced events that have shaken and disturbed the conscience of the international community. Fortunately, the development of the international community has provided us with an excellent concept by which to make the world a more humane place. In accordance with the provisions of international humanitarian law, the protection of civilians is a legal imperative. However, it is also an ethical imperative that reflects the long evolution of humankind towards civilizing norms that place respect for life and human integrity and dignity at the core of its values.

Lastly, I would like to highlight that, on 27 January, the delegations of Uruguay and Australia will organize an open workshop to address the issue of implementing the protection of civilians in the mandates of peacekeeping operations. It will be an opportune moment to better define the concept of the protection of civilians as it contrasts with the concept

of the responsibility to protect. It will also be an opportunity to analyze the challenges that must be kept in mind from a practical point of view in implementing the mandates of peacekeeping operations that include protection of civilian components, as well as to become aware of the experiences of the main troop contributors and of the Secretariat.

The President (*spoke in French*): I now give the floor to the Permanent Representative of Belgium.

Mr. Grauls (Belgium) (*spoke in French*): My delegation fully associates itself with the statement delivered by the representative of the Czech Republic on behalf of the European Union (EU). We would like to make a few observations based on our two years of experience on the Security Council.

We listened with great interest to the statement made by Mr. Holmes. He gave us a briefing that very clearly illustrates that there is still much progress to be made in the area of the protection of civilians.

International humanitarian law is not observed in the course of hostilities in numerous conflicts. The current situation in Gaza is a strikingly tragic illustration of that. Civilians are forgotten when Hamas utilizes residential buildings, schools and hospitals to fire from and uses the civilians around them as human shields. Civilians are equally forgotten, however, when the Israeli army places its military goals above strict adherence to international humanitarian law. The civilian population is thereby twice victimized. In that regard, we call for the immediate implementation of resolution 1860 (2008).

The horrors of numerous wars prompted the international community to develop humanitarian law as we know it today, including with regard to the protection of civilians in conflict situations. Likewise, the mass atrocities committed against civilian populations, even in non-conflict situations, have led to the emergence of the idea of the responsibility to protect. Belgium cherishes that concept, which was adopted by the General Assembly in 2005, for it emphasizes the duty of each State to protect its population against the clearly identified ultimate crimes of genocide, war crimes, ethnic cleansing and crimes against humanity.

As the body responsible for maintaining international peace and security, the Security Council has adopted civilian protection as an objective, as established by humanitarian law. The Council must also now integrate fully the notion of the responsibility to protect into its work. It already does so in a number of ways: by instituting good offices missions, fighting impunity, combating the use of child soldiers and through the Peacebuilding Commission. The Council did so recently on 22 December in resolution 1857 (2008), which revised the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo. The Council could have done so even more resolutely and with greater conviction, given the extreme gravity of the crimes it seeks to prevent and that such crimes are firmly identified in international penal law. My country will continue to advocate to that end and to encourage our Organization to establish the early warning instruments and rapid response mechanisms vital to avoiding more mass atrocities.

Belgium welcomes today's scheduled adoption of a presidential statement complemented by an update of the aide-memoire on the protection of civilians. This document remains a significant reference point for the Council's daily work. In this context, we also wish to welcome the eminent establishment of a group of experts which, on a relatively informal basis, will discuss aspects related to protection of civilians in each mandate up for renewal by the Council. This will contribute to creating a more systematic approach to the aspects related to the protection of civilians.

Finally, we believe that combating impunity is a vital factor of the protection of civilians. The Council must also make a contribution thereto through its different instruments, such as its sanctions committees. The Security Council and its sanctions regimes must do a better job of shouldering their responsibilities by punishing such phenomena as sexual violence or the recruitment of and serious violence done to children.

The President (*spoke in French*): I now give the floor to the Permanent Representative of the United Arab Emirates.

Mr. Al-Jarman (United Arab Emirates) (*spoke in Arabic*): At the outset, I would like to congratulate you, Mr. President, on your assumption of the presidency of the Security Council for this month.

Today, we meet once again to consider the subject of the protection of civilians in armed conflict. It is a matter of great concern, that in spite of the important progress achieved by the international community

since the middle of the last century in developing international law mechanisms to promote the principle of the protection of civilians and to determine criminal responsibility for massacres committed against thousands of civilians in armed conflicts, we continue to witness new and tragic forms of genocide, war crimes and crimes against humanity. Such forms include wilful killing, rape, the confiscation and destruction of properties, forcible displacement and other acts of intimidation, which constitute flagrant violations of international law and international humanitarian law. These acts, which include attacks on humanitarian and media personnel with complete impunity, are committed and used by warring parties as a tool for exerting maximum political pressure to achieve their goals in areas of conflict at the expense of the security and safety of innocent civilians.

We believe that the reason such violations persist is due not to the incapacity of the almost fully integrated legal and humanitarian framework established by the United Nations and represented in international legal instruments on this issue — including the Fourth Geneva Convention of 1949 and its two Additional Protocols of 1977 and the resolutions and presidential statements issued by the Security Council on the protection of civilians — but lies rather in the non-compliance of some states parties with their respective obligations under these instruments and the selective approach in their implementation in some areas of conflict.

It is deeply regrettable that we for 19 days have witnessed a vivid example of the contempt of some States for the resolutions of this Council and the exercise of double standards and selectivity in their implementation. Israel is pursuing its barbaric military assaults against the population of Gaza for the sixth day after the Security Council adopted resolution 1860 (2009), which calls for an immediate and permanent ceasefire and a full withdrawal of Israeli forces from Gaza. In its paragraph 5, it also condemns in plain language all violence and hostilities directed against civilians.

Despite the adoption of this resolution, Israel has continued to commit war crimes against the Palestinian people in Gaza by bombarding civilian areas with internationally banned weapons, using excessive force and imposing severe collective punishments against unarmed civilians, including through siege, the closure of crossing points and the obstruction of humanitarian assistance, in flagrant violation of the principles of human rights and relevant international resolutions and laws.

What is happening in Gaza Strip is testimony to the serious impact of the international community's failure to implement the resolutions of international legitimacy and the selectivity of their implementation, and to its inability to shoulder its responsibilities and legal commitments in the protection of innocent civilians during conflicts. The death toll among the Palestinian people has so far surpassed 1,000 people, 40 per cent of whom are women and children, and does not account for the missing persons and those suffering from serious injuries and physical and mental disabilities, whose numbers have exceeded 4,000, half of whom are children and women. Their numbers are increasing daily.

The United Arab Emirates supports international efforts to find a solution to the Palestinian question through peaceful means, including the Arab Peace Initiative and the Annapolis Understanding, and urges the international community, and the Security Council in particular, to revisit the implementation standards relating to the protection of civilians when it considers the situation in existing armed conflicts, in accordance with its resolution 1674 (2006), which recognizes the primary responsibility of conflicting parties for protecting civilians in armed conflicts, as well as the shared responsibility of the international community as a whole to assist States to shoulder their responsibility in this regard.

In this context, we affirm the importance of the following.

First, pressure must be exerted on Israel to comply with the provisions of resolution 1860 (2009). It must immediately cease its aggression against the Palestinian civilian population, fully withdraw from Gaza and open all crossing points in order to allow for the delivery of humanitarian aid and to alleviate the dire humanitarian crisis being faced by Palestinian people.

Secondly, the international community must exert pressure on Israel to resume peace negotiations, given that the present crisis has shown the need to expedite a serious and peaceful negotiating process. It must also require Israel, the occupying Power, to shoulder its responsibility and honour its previous agreements and commitments, which would contribute to establishing an independent Palestinian State as soon as possible.

Thirdly, an international commission of inquiry must be established to investigate the war crimes committed by Israel against civilians in Gaza and to prosecute those responsible in accordance with the resolutions of international legitimacy, the latest of which is the resolution adopted by the Human Rights Council.

Here, we would like to reaffirm the importance of strengthening the international role that the Security Council must play in collaboration with specialized departments and committees established by the Secretariat, the General Assembly, the Economic and Social Council and the Human Rights Council, particularly in taking effective, swift and decisive action to prevent the suffering of civilians in conflict areas. That includes providing a safe and secure environment for civilians in armed conflicts, which, under the Charter of the United Nations, is one of the Security Council's priority tasks in maintaining international peace and security and in building peace.

In that connection, we emphasize the need to develop methods for monitoring acts committed against civilians during armed conflicts and the need for measures to be taken to persuade all countries and parties to conflicts throughout the world to fulfil their commitment not to target civilians and to protect their lives, property and legitimate interests without applying double standards, bearing in mind the need to fully respect the sovereignty of States and the principle of non-interference in their internal affairs.

The President (*spoke in French*): I now call on the Permanent Observer of Palestine.

Mr. Mansour (Palestine): Palestine welcomes this open Security Council debate on the protection of civilians in armed conflict. We firmly share the belief that the protection of civilians in armed conflict is a matter of immense importance and that the Council's attention to that issue is both appropriate and necessary. We hope that the Council will continue to address the issue in an effective manner until the serious protection of civilians in armed conflict is ensured in all cases, without selectivity or inaction based on political considerations.

For Palestine, today's debate is especially timely. For the nineteenth day now, Israel, the occupying Power, has continued with impunity to unleash its military wrath on the defenceless population of the Gaza Strip, killing nearly 1,000 Palestinians, including more than 400 children and women, and injuring nearly 5,000. Those who were killed not only were trapped, traumatized and terrorized along with the 1.5 million other inhabitants there, but also were denied the protection accorded to civilian persons under international law. In the light of that, the Palestinian people and their leadership — especially our people in Gaza — continue to call upon the international community to provide much-needed and long overdue protection for the civilian population and for measures to be swiftly taken in that regard to prevent the loss of more innocent lives.

As the Palestinian civilian population continues to be subjected to Israel's indiscriminate, excessive and disproportionate use of force by means of tanks, F-16s, helicopters and other heavy weapons, including white phosphorous shells and dense inert metal explosive bombs, the profound human suffering continues to mount, as the people of Gaza have nowhere to run and nowhere to seek refuge. Moreover, among countless other violations, the occupying Power has attacked medical workers and clearly marked ambulances, wantonly destroyed public and civilian infrastructure and institutions, targeted United Nations schools and buildings, denied access to medical treatment for the sick or wounded, and used Palestinian civilians as human shields, all the while continuously denying an entire population their most basic rights, including the right to food and water.

Clearly, international law forbids such brutality. Humanitarian and human rights law prohibits, inter alia, the killing and bodily injury of civilians, reprisals against civilians and civilian objects, the wanton destruction of homes and other civilian property, and the collective punishment of civilians. Such actions, wilfully perpetrated, constitute war crimes.

The belief that the occupying Power has in fact committed war crimes is also being reported by several human rights organizations now working on the ground in Gaza. In that regard, the appeal by the United Nations High Commissioner for Human Rights and by the Human Rights Council, in its resolution dated 12 January 2009, for an independent investigation of crimes committed by Israel, the occupying Power, in Gaza is important and should be acted upon. We would also like to recall the suggestion made by Secretary-General in his latest report on civilians in armed conflict (S/2007/643), in which he stated that, in situations where parties to a conflict commit systematic

and widespread breaches of international humanitarian and human rights law and thereby create the threat of genocide, crimes against humanity and war crimes, the Council should be willing to intervene under Chapter VII of the Charter.

Here, we would like to recall resolution 1860 (2009), adopted less than a week ago, which, among many other important provisions, calls urgently for an immediate, durable and fully respected ceasefire and for the unimpeded provision and distribution throughout Gaza of humanitarian assistance, including food, fuel and medical treatment. Of course, the ceasefire that the Security Council called for was intended to lead to a total withdrawal of Israeli forces from Gaza.

Unfortunately, Israel continues to ignore the resolution adopted by the Council, pressing on with its military aggression against the Gaza Strip and even intensifying it over the past couple of days. We call on the Council to compel Israel to heed the calls of the Council, in accordance with its obligations as an occupying Power under the Fourth Geneva Convention and its obligations under the United Nations Charter as a State Member of the United Nations.

Moreover, we call on the Security Council and all concerned parties to make the necessary efforts and work to ensure the effective implementation of the resolution in order to bring an end to all military activities and violence; to address the serious humanitarian and economic needs of the Palestinian civilian population in the Gaza Strip, who for too long have been under Israel's inhumane siege; and to help the parties return from the precipice to which this crisis has brought us and back to the path of peace.

In addition to the massive carnage against the Palestinian people in Gaza, the civilian population there continues to suffer from unlawful measures of collective punishment being imposed on them by the occupying Power. The situation before the Israeli assault in Gaza was already dire owing to Israel's inhumane 19-month siege, by which it deliberately obstructed humanitarian access and the movement of persons — including sick persons needing treatment unavailable in Gaza — and of all goods, including the most essential, such as food and medical and fuel supplies. All aspects of life were severely impacted, with poverty, hunger, disease and instability rising to alarming levels, particularly among the refugee population and children — who constitute nearly 56 per cent of the population — exacerbating the humanitarian crisis to catastrophic proportions.

Protecting civilians in situations of foreign occupation must be a priority mission of the United Nations, and the Security Council has clear responsibilities in that regard. Regrettably, the international community's failure to hold Israel accountable for its violations and crimes over the past four decades has reinforced Israel's lawlessness, permitting it to continue using military force and collective punishment against the defenceless Palestinian people under its occupation and, in essence, absolving it of its legal obligations as an occupying Power.

As Israel continues to breach its legal obligations towards the Palestinian civilian population, the Security Council, if it cannot compel Israel to abide by the law, has a duty to determine and undertake appropriate measures to protect the civilian population. Respect must be demanded for the instruments of international law that are supposed to provide the Palestinian civilian population with protection from human rights violations and crimes committed under occupation.

It should be recalled that the basis and guiding principles for the protection of civilians in armed conflict are embodied in the rules of international law, particularly humanitarian law and human rights law. The need to protect civilians, promote their welfare and safeguard their human dignity is at the core of the spirit and purpose of these laws. Protection provisions can be found in many instruments of law, including the Geneva Conventions — particularly the Fourth Geneva Convention, which comprises provisions explicitly aimed at ensuring the safety of civilians in armed conflict, including specific provisions for civilians under foreign occupation — the Additional Protocols, the Human Rights Covenants, the Rome Statute of the International Criminal Court and United Nations resolutions.

We have the legal instruments and tools that are required, and we know what actions need to be taken to ensure the protection of civilians in armed conflict. We are convinced that the international community has no choice but to make progress and create a different and safer situation than that faced today by civilians not only in Palestine but everywhere else affected by armed conflict.

Before closing, we would like to commend the work of many United Nations bodies, including the Office of the High Commissioner of Human Rights, the Human Rights Council, the High Commissioner for Refugees, the Office for the Coordination of Humanitarian Affairs, the Special Representative of the Secretary-General for Children and Armed Conflict, UNICEF and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), as well as the work of many international humanitarian organizations that have worked tirelessly to launch initiatives and programmes to ensure the protection of civilians in armed conflict. We continue to support and encourage their work in this field.

Mr. Sorcar (Bangladesh): I thank you, Mr. President, for convening this important meeting. My delegation commends the Under-Secretary-General, Mr. John Holmes, for his comprehensive briefing this morning.

Civilians continue to suffer the brunt of violence during armed conflicts. Civilians have become the primary target of attacks that are often motivated by ethnic or religious hatred, political confrontation or simply the ruthless desire of the perpetrators to attack a member of an opposing group. These civilians are displaced from their homes and are often denied access to life-saving food, medicine and shelter. It is against this backdrop that the States Members of the Organization pledged in the Millennium Declaration "to expand and strengthen the protection of civilians in complex emergencies".

The Council has been discussing this important issue for nearly a decade and has adopted many resolutions and heard strong and relevant statements by delegates. However, ironically, a large number of civilians continue to be exposed to the atrocities of conflict. My delegation urges all parties to conflicts to ensure protection of the lives and property of civilians. The Council should also strengthen its efforts to prevent, resolve and reduce armed conflicts, pursuant to its primary responsibility to maintain international peace and security.

My delegation condemns all violations of international humanitarian and human rights law and stresses the need to combat impunity, safeguard access for humanitarian assistance and protect the safety of humanitarian aid workers.

We are appalled by the scale and intensity of the devastation and the deaths of innocent Palestinians, including women and children, caused by the indiscriminate and excessive use of force in the Israeli military operations in the Gaza Strip. It is disconcerting to see that even humanitarian workers are being killed by the Israeli attackers. The ongoing attacks, in continued defiance of the Council's call for a complete ceasefire, are contributing to continued civilian casualties.

My delegation wishes to draw the international community's attention to the fact that Israel, as a signatory to the relevant provisions of the Fourth Geneva Convention, which stipulates the responsibilities of an occupying Power, cannot legally or morally absolve itself of its responsibilities for guaranteeing the basic human rights of the people under its occupation. In this regard, my delegation would like to re-emphasize the importance of the principle of the responsibility to protect, as endorsed in the 2005 World Summit Outcome, in preventing harm to civilians in armed conflict.

The vulnerable situation of civilians in post-conflict societies needs special attention. Long after guns have fallen silent, such people remain traumatized and permanently scarred by the brutalities of war. For peace to be sustained, they must be rehabilitated and reintegrated into their communities more effectively, and the perpetrators must bear the resultant cost. The Peacebuilding Commission should also include this issue in its agenda whenever it takes up a country-specific configuration.

Finally, we would like to mention what my delegation considers two overarching themes for the protection of civilians in armed conflict. The first relates to prevention and the building of a culture of peace. Prevention is at the heart of protection. The preventive capacity of the Organization must be enhanced. At the same time, Member States need to take steps to inculcate the values of peace, tolerance and harmony that contribute to long-term prevention.

The second theme is that of coordination among all stakeholders. We believe that the protection of civilians Is the primary justification for a United Nations presence in the field. However, various political, humanitarian, military and development components of United Nations missions in the field lack an integrated focus on the protection of civilians.

Indeed, protection should be one of the main mandates of any United Nations mission in the field, whether it be a peacekeeping, political or peacebuilding mission. Work should begin on crafting clear guidelines for effective coordination, particularly among the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees, the Department of Peacekeeping Operations (DPKO), and the Department of Political Affairs (DPA).

In conclusion, my delegation once again expresses its grave concern over the deteriorating humanitarian situation caused by the ongoing Israeli attacks in and around the Gaza Strip. Israel must comply with resolution 1860 (2009). My delegation strongly urges the international community, particularly the Council, to take effective steps to ensure implementation of that resolution and thereby bring about a complete ceasefire in the Gaza Strip forthwith.

Mr. Tanin (Afghanistan): Mr. President, allow me to congratulate you on your assumption of the presidency of the Security Council for this first month of the new year. In addition, Sir, I thank you for convening this debate on the protection of civilians in armed conflict, an issue which should never be far from our attention. Here, at the beginning of a new year, let us renew our conviction that no civilian anywhere should bear the costs of war.

As we speak, our thoughts are with the thousands of men, women and children who have been killed and who have suffered in Gaza in the last 19 days. Civilians have been largely affected by this conflict, and the brutality continues. We call for an immediate ceasefire, as requested in resolution 1860 (2009). This conflict must end now.

In Afghanistan as well, a new wave of violence is destroying the lives of innocent civilians. More than 2,100 civilians died in 2008 alone. Women, men, students, teachers, aid workers, farmers, tribal leaders and clergy are all victims. The issue of civilian casualties strikes at the heart of Afghanistan.

In the past few years, the Taliban, Al-Qaida and other terrorist elements have embraced tactics that target civilians with increasing deadliness. In 2008, terrorists accounted for the majority of civilian casualties. The numbers of victims of the terrorists are sobering. In 2008 alone, at least 250 civilians were executed, and an additional 725, or more, were killed by suicide attacks or by improvised explosive devices (IEDs). This targeting of civilians by the Taliban has accomplished several terrible objectives.

First, the terrorists have demonstrated their complete disregard for the sanctity of human life. Suicide bombs kill more civilians than military personnel. The Taliban regularly abduct, torture and execute civilians, particularly targeting Afghans and foreigners who are perceived to be cooperating with, or receiving services from, the Government or the international community. They behead doctors, teachers, clergy and tribal leaders, recruit children as suicide bombers and spray acid in the face of schoolgirls. Taliban harm to civilians and the creation of an environment of distrust and fear impede the ability of the Afghan Government and the international community to deliver services to the people who need them most.

Secondly, the Taliban are using civilians as human shields, hiding in towns and villages and using men, women and children as cover for attacks on Government and international forces. As a result, over 60 per cent of civilian casualties have occurred in the south and east of the country, where the Taliban and Al-Qaida are most active.

Unfortunately, many civilians have also suffered and lost their lives during counter-terrorist operations. This is a matter of grave concern for the Government of Afghanistan. His Excellency President Karzai has recently and repeatedly raised concerns and has asked the international forces to find ways to prevent civilian deaths. Our Government believes that we need to work together with the international community in a spirit of open dialogue and cooperation to find a workable framework in which to address this problem, and we are discussing the issue with our partners. NATO and American-led forces have already introduced new strategies aimed at minimizing civilian casualties, and we have seen some positive results. However, any life is precious, and as a Government we have a particular responsibility to safeguard the lives of our citizens and not rest until every Afghan is safe.

To decrease the harm to the Afghan people, there are three measures for us to consider. The first is to avoid tactics that cause significant unintentional civilian deaths. Air strikes in particular result in enormous casualties among innocent people. We must minimize reliance on those methods of warfare. The

second measure is to work more in cooperation with the Government of Afghanistan and with law enforcement on the ground. Home searches and detention practices should operate within the guidelines set out in the Afghan Constitution. The Afghan national army and police should assume responsibility for home searches. Thirdly, we encourage the international forces to operate with greater cultural sensitivity. In conducting searches and arrests, they should avoid heavy-handed tactics and operate with respect and minimal force. And where civilian casualties do occur, there should be apologies and accountability.

With the increasing violence of the Taliban, it has become even more imperative that the Afghan Government and the international community work together to effectively eliminate terrorism. The terrorists are responsible for the large majority of civilian casualties, but the Government of Afghanistan and the international forces bear a heavier burden: we must provide security and protection to the people who need it. Our energies must be channelled collectively to prove to the Afghan people that we consider their welfare to be central to the endeavour for peace and stability in the country.

The President (*spoke in French*): I now give the floor to the representative of Kuwait.

Mr. Bu Dhhair (Kuwait) (*spoke in Arabic*): I would like to begin by expressing our gratitude and appreciation to the presidency for convening this important meeting to discuss the protection of civilians in armed conflicts. This is taking place while many civilians are continuing to suffer in several armed areas and conflicts.

Our world today endeavours to establish the values and principles of human rights. Any violations of those rights, regardless of the colour, race, religion or political affiliation of those who commit them, have become absolutely unacceptable, particular during armed conflict. The United Nations Charter, global humanitarian laws and human rights laws, as well as divine law, hold all Member States — particular States members of the Security Council — responsible and accountable to seek all possible means, and to seek them in a permanent way, to grant the United Nations a vital, important and tangible role on the ground in protecting human beings, especially civilians.

The tragic circumstances faced by the unarmed population of the occupied Gaza Strip, due to the savage onslaught in which civilians are subjected to all kinds of killings, horrors and expulsions, call for urgent action and a firm stand to stop the aggression immediately, with no delay, to protect the lives of civilians. One and a half million people live in the Gaza Strip, the majority of them civilians. A helpless minority militia faces a professional military institution that is using bombs that sow fear in the hearts of children and kill them indiscriminately. That can only lead to the creation of a generation that is more violent, more extreme, and will engender more hatred and resentment as the days go by. The same applies to those who live under siege, who are denied food and medicine, as we hear from the testimony of international organizations working on the ground in Gaza. It is as if the Israelis had not learned any lessons from history.

The practice of the Israeli occupation army is a clear violation of international laws and conventions, and that must oblige us to take a very clear stand vis-à-vis such inhumane practices and practices that do not guarantee the safety of civilians. We must take a stand against such practices. When arrogant countries allow the voices of arms and bombs to prevail and think that by killing, terrorizing and starving innocent civilians they achieve their political goals or that that will bring them peace, they are totally mistaken. That is a dead-end road and will only bring more instability and counter-violence, more pain and suffering, and will transform those who are defenceless — civilians who are seeking a better life for themselves — into extremists who know only the language of violence, blood-letting and extremism in all its forms.

Any life lost means that we have lost a human being who could have made a positive contribution to a better society. That is why we call on the Council to take into consideration the Secretary-General's proposal of 27 November 2007. His vision, which we share, is a practical solution to ensure the commitment of the Security Council to the protection of civilians in armed conflict. The Security Council has established a working group on the protection of civilians that will assist it in moving effectively towards providing genuine and appropriate protection for unarmed civilians in armed conflict similar to the working group established pursuant to resolution 1612 (2005) on children and armed conflict.

The armed conflicts currently raging and their psychological and physical harm to civilians in various corners of the world — including Afghanistan, the Democratic Republic of the Congo, Iraq, Somalia, Chad, the Philippines, Nepal and elsewhere — should compel Member States to draw on all proposals on the protection of civilians in armed conflict made by the United Nations, and the Secretary-General and his representatives in particular, in order to draft effective resolutions establishing investigative committees or similar entities to protect civilians in a practical and concrete manner.

My delegation invites all peace-loving Member States to create a new and effective system or methodology for taking serious action against any country that undertakes the kind of military aggression that Israel has unleashed on the Palestinians, threatening the lives of civilians. No human logic or conscience can accept a country that preaches democracy, respect for human rights, especially those of women and children, and love of peace using tanks and bombs to kill, maim and terrorize civilians.

If the proposals presented by the United Nations through its Secretary-General and his representatives are not given due consideration, the Organization and its main bodies, the Security Council in particular, will lose all credibility in the eyes of unarmed civilians, who call on us to assume our responsibility for protecting them in armed conflict.

The President (*spoke in French*): I call on the representative of Finland.

Ms. Lintonen (Finland): I have the honour to deliver the following statement on behalf of all five Nordic countries: Denmark, Iceland, Norway, Sweden and Finland.

The Nordic countries welcome this six-monthly open debate and wish to thank the presidency of the Security Council and the Secretary-General for organizing it, as well as Under-Secretary-General John Holmes for his topical briefing. Timely briefings to the Security Council by the High Commissioner for Human Rights, the Emergency Relief Coordinator, the Special Adviser on the Prevention of Genocide and other relevant actors will help the Council to act sufficiently early on in conflict situations to effectively protect civilians at risk.

The protection of civilians in armed conflicts is a cornerstone of international humanitarian law. Regrettably, and in spite of the established status of the fundamental rule of distinction — identified by the International Court of Justice as an intransgressible principle of international customary law — civilians often fall victim to the disregard of States and armed groups of their obligations. Even State signatories to the relevant instruments fail to abide by the relevant provisions. The Nordic countries wish to emphasize that unarmed men, women and children must not be targeted. All necessary measures must be taken by parties to a conflict to avoid civilian casualties.

The Nordic countries are deeply concerned by the escalation of violence in Gaza and the killing and injuries inflicted upon large numbers of non-combatants. The ceasefire called for by the Security Council must be given effect. Life-saving ambulances must be given unrestricted access to the wounded; medical personnel, hospitals and other medical units must be respected and protected. It is also worth recalling that disrespect of the rules by one party to a conflict can never serve as a justification for the deliberate targeting of civilians or civilian objects.

It is essential to strengthen local capacities to protect civilians at risk of grave human rights violations. Through the Nordic Coordinated Arrangement for Military Peace Support, the Nordic countries have offered training support for peace support operations to partners, inter alia, in the western Balkans and Ukraine. Our additional focus is now on Africa, where we are examining potential Nordic projects to support the development of the African peace and security architecture.

In order to build sustainable peace and security, there is a need for increased attention to women's equal and active participation in conflict prevention, peace negotiations, reconstruction and political participation. As women and children are vulnerable in conflicts, their situation should be addressed accordingly. The comprehensive implementation of resolution 1325 (2000) is crucial. The Nordic countries are committed to doing their share in the implementation process. A concrete case in point is that all five Nordic countries have drawn up national action plans on the implementation of resolution 1325 (2000).

The scope and brutality of sexual violence against women in the eastern parts of the Democratic Republic

of Congo are particularly worrying. Hundreds of thousands of women in the region have been raped, and they continue to lack protection from further sexual violence, despite the efforts of humanitarian actors, the United Nations Organization Mission in the Democratic Republic of the Congo and others. Much more needs to be done in order to address these horrible crimes. In this context, it is crucial to implement resolution 1820 (2008) on sexual violence in armed conflict.

We recognize the need to enhance the complementarity and coordination of national policies and strategies related to security, development, human rights and humanitarian issues. International humanitarian law grants children special protection and sets a minimum age for participating in hostilities. The short-, medium- and long-term impacts of armed conflict on children, adolescents and young persons must be addressed in an effective, sustainable and comprehensive manner. The Convention on the Rights of the Child clearly states that children have the right to express their opinion in matters that affect them. We have to expand opportunities for children's voices to be heard and given due weight in peacebuilding and reconciliation efforts. More attention needs to be paid to this aspect of the implementation of resolution 1612 (2005) on children and armed conflict. The Nordic countries wish to emphasize the need to mainstream the rights of the child into all activities in conflict and post-conflict situations.

The engagement of the Security Council has greatly elevated the relevance of child protection concerns within its international peace and security agenda and has allowed for opportunities to improve efforts and actions for the protection of children. While there has been progress in some field, there is an urgent need to address all grave violations; in particular, sexual violence against children is a heinous consequence of war. We wish to join the call by the Special Representative of the Secretary-General for Children and Armed Conflict for strong action also to be taken against those who sexually violate children.

On a more positive note, the Nordic countries recall the establishment of the International Criminal Court as an achievement of historical significance. Now that the Statute is in force for 108 States and the system laid down for it is fully operational and functioning, there is much reason to be confident in the Court's future. The ideas of justice and accountability have been institutionally anchored at the international level and more broadly embraced than ever before. The first proceedings of the International Criminal Court highlight the duty to protect civilians in armed conflicts. The Nordic countries urge all States to ratify the Rome Statute and to fully implement its provisions in their national legislation.

We are also encouraged by the unequivocal statement issued at the 2005 World Summit on the responsibility to protect civilian populations from genocide, crimes against humanity, ethnic cleansing and war crimes. We look forward to the report of the Secretary-General on this notion and believe that it will provide a basis for further deepening the international consensus on the necessary steps to be taken by both States and international organizations to prevent humanitarian catastrophes.

Let me conclude by affirming that the Nordic countries will continue to be firmly committed with respect to this issue of great importance.

The President (*spoke in French*): I now give the floor to the representative of Israel.

Ms. Shalev (Israel): This month has proven to be a complicated one. Allow me to thank you, Mr. President, for convening this debate. I further wish to thank Under-Secretary-General John Holmes for his informative briefing and to thank him and his team for their important and ongoing humanitarian work, in particular in our region at the present difficult time.

This debate is, to be sure, considering a wide range of issues related to the protection of civilians in armed conflict. All of them are important. Yet there exists one major threat, one distinct danger to civilians, that the Security Council must not and cannot ignore: terrorism. Terrorism causes enormous harm to civilians in armed conflict. Terrorism turns civilians into targets, shields and weapons. "Acts, methods and practices of terrorism in all its forms and manifestations ... are activities aimed at the destruction of human rights" (*A/CONF.157/23, attachment, part I, para. 17*): so stated the United Nations in clear and unambiguous terms.

Nowhere is this more apparent than in Hamas's terrorist war against Israeli civilians and the Palestinian people.

It is on Israeli civilians that Hamas rockets rained down for eight long years. For more than one million

Israelis, daily life included rocket and mortar attacks against houses, schools, kindergartens, markets and all forms of civilian life.

These are not indiscriminate attacks as some like to classify them. Hamas's attacks are very discriminate: directed deliberately at civilians — men, women and children. These attacks kill and maim Israelis, creating a living nightmare, a nightmare that forced Israel to act in self-defence.

As Hamas launches those attacks, they cower behind Palestinian civilians, knowing full well the danger they invite. Civilian casualties in Gaza, as a result, are the heartbreaking consequence and sole responsibility of Hamas's terrorist actions. Hamas hides weapons and explosives in mosques and uses minarets to launch attacks. What kind of person, we must ask, uses a house of prayer as a weapons depot? The answer is Hamas terrorists.

Evidence against Hamas abounds. Hamas terrorists launched rockets from school yards and rigged Palestinian schools with explosives as booby traps. What kind of person, we must ask, uses schools — places where children gather — as a battlefield? The answer is Hamas terrorists.

Hamas commanders and leaders set up shop in the basement of Gaza's largest hospital, the Shifa hospital. Hamas fighters and members have entered hospitals and donned doctors' coats in an effort to blend into the civilians of Gaza. What kind of person, we must ask, uses hospitals to cower behind injured civilians? The answer is the same: Hamas terrorists.

As Israel has facilitated the movement of humanitarian aid into the Gaza Strip — more than 800 trucks totalling over 25,000 tons of aid — there are repeated and horrifying reports that Hamas terrorists have seized aid, distributing it to its own members and supporters and selling what is left to the impoverished civilians. What kind of person, we must ask, confiscates humanitarian supplies from civilians in a conflict zone? The answer is the same again: Hamas terrorists.

It is Hamas and terrorists like it that view civilians not as a population to be avoided in an armed conflict but as a population to be exploited in an armed conflict.

We must use today's debate to ensure that we denounce the harm that terrorism inflicts on civilians. In recent years, more civilians were killed, maimed and injured by terrorists than by legitimate armed forces. And we must act against terrorists and their inhumane methods. Failure to act simply because terrorists are using civilians as cover would broadcast an invitation to every terrorist group in the world to set up shop inside a hospital or a kindergarten.

Hamas's despicable and cynical use of targeting civilians is an appalling example of the toll that terrorism takes on all civilians. When civilized people look at children, they see the future. When terrorists look at children, they see targets and human shields. The Security Council must offer no refuge to those who drag civilians into armed conflicts.

The President (*spoke in French*): I now give the floor to the representative of Azerbaijan.

Mr. Musayev (Azerbaijan): At the outset, Mr. President, I would like to thank you for convening this meeting and to thank the Under-Secretary-General for Humanitarian Affairs for his briefing on this matter. As the most recent report of the Secretary-General on the protection of civilians in armed conflict stresses, "the protection of civilians is, and must remain, an absolute priority ... for the United Nations, for the Security Council and, above all, for the Members States, with which the primary responsibility for protecting civilians lies" (*S/2007/643, para. 3*). Civilians are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices and their manners and customs. They are to be humanely treated and protected at all times, especially against all acts of violence or threats of such acts.

Against this background, we are following with profound apprehension the escalation of violence in the Gaza Strip and express our deep concern over the loss of the lives of hundreds of innocent civilians. There must be an immediate ceasefire and an end to military hostilities to create the conditions necessary to normalize the situation. We advocate urgent active engagement of the international community, including through practical measures in the conflict zone, to prevent violence and other undesirable actions. Azerbaijan calls for immediate and unconditional implementation of Security Council resolution 1860 (2009) of 8 January. The protection of civilians, especially women and children, who are bearing the brunt of the deteriorating humanitarian crisis, should

be ensured. All measures must be taken to avoid civilian casualties and to help people in need.

The international community, acting chiefly through the United Nations, has proclaimed and set down in international instruments a compendium of fundamental values, such as peace and respect for human rights. The consensus on those values was reflected in the adoption in 1948 of the Universal Declaration of Human Rights, according to whose preamble "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world".

Regrettably, even more than 60 years after the adoption of the Universal Declaration, the conspicuous silence in certain instances serves to accentuate a deficiency that is characteristic of the international community today: the gap between the theoretical values of law and harsh reality. This impedes the application in practice of the rich potential of the standards of international law.

The ongoing armed conflict in and around the Nagorny-Karabakh region of the Republic of Azerbaijan has resulted in the occupation of almost one fifth of the territory of Azerbaijan and made approximately one out of every eight people in the country a refugee or internally displaced person. Most serious international offences, such as war crimes, crimes against humanity and genocide, have been committed in the course of the conflict.

The Security Council, in its resolutions adopted in 1993 following the seizure by Armenia of the territories of Azerbaijan, condemned, inter alia, attacks on civilians and the bombardment of inhabited areas and expressed grave concern at the displacement of large numbers of civilians in my country.

Concern about the extent to which the rules of international humanitarian law were being observed in the occupied territories of Azerbaijan was heightened when the General Assembly, highly alarmed by the far-reaching implications of continuing illegal settlement practices in those territories accompanied by serious and systematic interference with property rights, as well as environmental and economic damage, decided to address the matter and adopted two resolutions at its sixtieth and sixty-second sessions.

As the Secretary-General made clear in his aforementioned report on the protection of civilians in armed conflict,

> "ensuring the right to return constitutes a categorical rejection of the gains of ethnic cleansing ... and offers some measure of justice to those displaced from their homes and land, thereby removing a source of possible future tension and conflict" (*S/2007/643, para. 55*).

It is important that the recognition of the right to return, along with increased attention to its practical implementation and concrete measures aimed at overcoming obstacles preventing the return, be applied by the Security Council, the General Assembly and other relevant United Nations bodies with more systematic regularity.

Particular consideration must be given to the implications for the protection of civilians in armed conflicts aggravated by population displacements, foreign military occupation, attempts to change the demographic balance in occupied territories and the illicit exploitation of natural resources therein. The impact of conflict on housing, land and property in such situations requires a more consistent approach in order to ensure the safe and dignified return of those forced to leave their homes.

It is clear that there can be no long-term and sustainable peace without justice. This requires consistent commitment by States to meeting their obligations to prosecute those responsible for breaches of international humanitarian law or international human rights law. In cases when such breaches constitute war crimes, crimes against humanity or even genocide, for which universal jurisdiction is provided with regard to alleged offenders, it is important that the pursuit of individuals be undertaken through the domestic legal system of involved or third-party States, while State responsibility be enforced through relevant inter-State mechanisms.

Ending impunity is essential not only for the purposes of determining individual criminal responsibility for serious crimes, but also in the interests of peace, truth, reconciliation and recognition of the rights of the victims. To proceed otherwise would be tantamount to accepting the consequences of breaches of the rule of law and human rights and thus legitimizing the results of aggression and ethnic

cleansing or, in other words, would be the illustration of the prevalence of force over justice.

The President (*spoke in French*): I give the floor to the representative of Australia.

Mr. Hill (Australia): Thank you, Sir, for convening this important debate. We welcome the opportunity to engage on this issue in the Council. This thematic debate is a valuable opportunity for the Council and the broader membership to take a step back from the task of implementation in country-specific situations and to consider the issue in a more strategic fashion.

In this regard, we commend the efforts of the Office for the Coordination of Humanitarian Affairs and the Council in updating the aide-memoire on the protection of civilians. We also thank Under-Secretary-General Holmes for his comprehensive briefing in this regard earlier today.

Given the constraints of time, I will focus my remarks on three areas of importance for Australia.

First, I would like to turn to the mandated task of protecting civilians, which has increasingly become a central feature of United Nations peacekeeping. Recent events in the eastern part of the Democratic Republic of the Congo have highlighted the critical importance of this mandated task. These events demonstrated the expectations of host populations and the international community associated with a protection mandate and they also starkly illustrated the constraints and challenges faced by United Nations peacekeepers. The Council is to be commended for its clarity in renewing the mandate of the United Nations Organization Mission in the Democratic Republic of Congo and the authorization of additional capacity.

The challenge remains, however, in implementation. Too often we have witnessed a disconnect between the political understanding reached in the Council and the practical reality on the ground. At times, this disconnect is due to capacity constraints. At other times, it is due to different interpretations of the mandate and the absence of a common understanding regarding the types of tasks permitted and required by the mandate. This disconnect between the strategic and operational levels needs to be reconciled in order to ensure that reasonable expectations are being set and that United Nations peacekeeping remains a dynamic and effective instrument of international peace and security.

As a contribution to addressing this challenge, Australia, in partnership with Uruguay, will host a one-day workshop on 27 January focused on the implementation of protection of civilian tasks in peacekeeping missions. The workshop is intended to provide a forum for dialogue among Member States, the United Nations and non-governmental organizations with a view to promoting a common understanding of the challenges faced in the implementation of such mandates. In so doing, we hope to work towards closing the gap between mandate and implementation. We invite all Member States to participate in the workshop and to contribute to addressing this important challenge.

Secondly, I would like to emphasize the need to end impunity for violations of international humanitarian law and human rights law. As the Secretary-General noted in his 2007 report (S/2007/643), where we are unable to prevent such abuses, we must at the very least ensure that the perpetrators and those who bear political responsibility for violence against civilians are held accountable for their actions. This is particularly the case in relation to sexual and gender-based violence. We must renew our commitment to ending impunity for such crimes.

Finally, I would like to touch briefly on the principle of the responsibility to protect. We look forward to receiving the Secretary-General's report on the responsibility to protect in the coming days. We expect the report to contribute to a shared conceptual understanding of the principle that was agreed by our leaders at the 2005 World Summit and to a shared appreciation of what is required on the part of Member States and the United Nations to implement the principle.

While implementation of the responsibility to protect requires action by a wide range of actors, the World Summit Outcome and the Charter of the United Nations give the Security Council a specific role to play in its implementation. To prevent mass atrocity crimes, the Council must ensure it uses the means at its disposal in timely and innovative ways. To take forward the Council's role, there is a need for it to be more receptive to early warning information from a wide range of sources, more willing to put country situations in which people are at risk on its agenda, and

more prepared to take early action designed to address the situation at hand. And Member States, of course, need to support such Council action.

We trust that all Member States can agree on the central premise that underlies this debate, namely, that civilians deserve our protection. Australia remains committed to working with partners in the international community to ensure that this premise is realized.

The President (*spoke in French*): I now give the floor to the representative of Jordan.

Mr. Al-Allaf (Jordan) (*spoke in Arabic*): Allow me at the outset to express our gratitude to the Under-Secretary-General for Humanitarian Affairs, Mr. John Holmes, for the important briefing that he has presented this morning. We would also like to note that we share his concerns about the safety and security of civilians in several conflict zones.

My country's delegation would also like to express its thanks and gratitude to you, Mr. President, for holding this important meeting to address the issue of the protection of civilians in armed conflicts. This meeting is aimed at entrenching the basic tenets of international humanitarian law, the Fourth Geneva Convention and the Universal Declaration of Human Rights. It is also aimed at reaffirming the political, legal and moral responsibilities of parties to conflicts towards civilians, civilian institutions and the protection of civilians in conflict situations. Moreover, the role of the international community lies not just in guaranteeing complete adherence to these laws, but also in guaranteeing that there will be no impunity in cases of violations.

This meeting comes at a difficult time, as the world watches, live and in astonishment, the situation in Gaza. The situation has been ongoing for three weeks now. All international rules and standards regulating armed conflict have been violated. The Israeli aggression has targeted unarmed and innocent civilians and destroyed infrastructure in Gaza. Here, Jordan joins the international call issued by the Secretary-General for an end to the suffering of civilians in Gaza and for their protection.

We are faced with an unprecedented example of inhumane aggression against the security, safety, rights and basic freedoms of human beings, the most important of which is the right to life and freedom from fear and terror, and against the right to the basic requirements of normal life. We are witnessing a flagrant violation — an attack against the identity of the Palestinian people and their character, future and basic rights. We are also witnessing an unjustified siege that has cut the lifeline of the 1.5 million Palestinians living in Gaza. These are civilians who are being subjected to a disproportionate use of force and to collective punishment. They deserve immediate protection by this Council.

I will not list all the figures, which are known to us all, but I would like to point out that 280 children have been killed, 1,200 have been wounded, and many more are living in fear and terror. This terror will haunt them for generations and decades to come. UNICEF has clearly expressed its deep concern over the destructive impact that the Israeli aggression has had on children in Gaza.

Israel must protect civilians, especially children, who constitute 56 per cent of Gaza's residents. Israel must abide by the provisions of international humanitarian law, especially the principles of distinction between targets and proportionality. These figures are not simply collateral damage; rather, they represent primary damage caused by targeted military operations in a disproportionate and exaggerated use of force. This arbitrary use of force does not distinguish between a military target and the United Nations Relief and Works Agency for Palestine Refugees in the Near East school, in which a group of women, children and elderly people had sought refuge from Israel's military operations.

The evacuation of the injured and the provision of safe passage for ambulances and medical personnel are among the most important tenets of international humanitarian law. On that basis, Israel must guarantee and facilitate access by medical staff and ambulances, which are now unable to do their duty in the light of the dangerous circumstances prevailing in Gaza. Israel must abide by the Universal Declaration of Human Rights, the Geneva Convention relative to the Protection of Civilian Persons in Time of War and the Protocols Additional I and II to the Geneva Conventions of 12 August 1949, which pertain to the protection of the victims of international and non-international armed conflict. It must also abide by all relevant international instruments, the Declaration on the Protection of Women and Children in Emergency and Armed Conflict and all relevant General Assembly resolutions.

Jordan calls on the international community to uphold its responsibilities and obligations in protecting civilians in armed conflict, including by calling upon Israel to immediately implement resolution 1860 (2009), which calls for an immediate ceasefire that would lead to a full withdrawal of Israeli forces from Gaza and guarantee the full protection of the international community for the people of Gaza against the Israeli military aggression.

The President (*spoke in French*): I now give the floor to the representative of Argentina.

Mr. García Moritán (Argentina) (*spoke in Spanish*): I thank you, Sir, for convening this open debate on a matter that my delegation believes to be of particular importance, given its topical and sensitive nature. We are also grateful for the report by Mr. Holmes this morning.

The Security Council has provided the legal framework for the protection of civilians in armed conflict through its resolutions 1265 (1999), 1296 (2000) and 1674 (2006). This legal framework should be used to protect victims. The Security Council, in its resolution 1674 (2006), established that attacks deliberately targeting civilians or other protected individuals in situations of armed conflict represented a flagrant breach of international humanitarian law and condemned such practices most energetically.

This Council has also repeatedly required compliance with obligations under international law, in particular the provisions of the Hague Conventions, the Geneva Conventions and their Protocols, and the decisions of this Council. The Council has repeatedly condemned, in the most energetic terms, all acts of violence or abuse committed against civilians in situations of armed conflict in breach of the applicable international obligations, be it in Afghanistan, the Democratic Republic of the Congo, Somalia, Darfur or the Middle East.

The recent political history of my country and its commitment to international law, international humanitarian law and respect for human rights prompt us to speak up on matters that occur in other places. We are particularly sensitive to the suffering of civilian populations, and we are of the view that the State apparatus is responsible for protecting citizens living in territories under its control.

In this context, the Republic of Argentina expresses its profound concern with regard to the deterioration of the situation in the Middle East. We condemn the excessive use of force by Israel in Gaza and the launching of rockets towards Israel from the Gaza Strip.

Full respect should be ensured for obligations in the context of international humanitarian law and all measures should be taken to protect the civilian population. The United Nations reports are eloquent: the number of civilians who have died as a result of bombings and land operations is horrific. This must stop.

Humanitarian conditions in the occupied Palestinian territories are also cause for special concern for our countries. The international community should take urgent steps to alleviate the suffering of the Palestinian population. Israel must also contribute to that end by allowing humanitarian personnel immediate and secure access.

The humanitarian crisis in the Gaza Strip is alarming. In the current circumstances, international assistance cannot reach the affected population. If we do not act urgently, a major humanitarian crisis could ensue, potentially affecting more than 1.5 million Palestinians. We know that various coordination efforts are being considered to provide assistance in the area. Argentina is preparing a significant package of humanitarian assistance for Gaza. We are prepared to join our efforts with those of the international community. Our country is also prepared to contribute to official assistance, in particular by providing personnel from our White Helmets initiative and placing specialized teams of trained volunteers able to act as reserves at the disposal of the United Nations humanitarian system.

The Government of Argentina strongly emphasizes that this is the time for diplomacy. The inclination towards bellicose action should be abandoned. A negotiated way out of the crisis should be supported, including the urgent establishment of an unconditional ceasefire that allows the international community to immediately set up a humanitarian truce to make it possible to help people at risk.

The President (*spoke in French*): I now give the floor to the representative of New Zealand.

Ms. Graham (New Zealand): I would like to thank you, Mr. President, for calling this open debate. We welcome the latest revised aide-memoire on the

protection of civilians in armed conflict. We also thank Under-Secretary-General Holmes for his compelling briefing earlier today. The plight of civilians caught in current conflicts underscores the importance and immediacy of this subject for the Council and the international community. As the issue of the protection of civilians is wide-ranging, in the interests of time I will focus my comments on areas of importance to New Zealand.

First and foremost, as the aide-memoire affirms, it is the responsibility of parties to armed conflict to ensure the protection of civilians in conflict areas. It is a distressing reality that steps necessary to protect civilian populations are not being taken by parties to conflicts. Even more deplorable is the fact that civilians are not simply being caught in the crossfire but that, in many cases, are actually the targets of attacks.

New Zealand continues to be appalled at human rights violations and abuses directed against civilian populations. The crises in Darfur, Somalia, the Democratic Republic of the Congo and Zimbabwe are of particular concern, with human rights abuses occurring widely and often with apparent impunity. In many cases, targeted attacks against civilian populations, sexual violence, the recruitment of child soldiers, summary executions and the forced removal of civilian populations are causing extreme humanitarian distress. New Zealand stands with the international community in expressing its deep concern at those situations. We fully support United Nations peacekeeping and other relevant missions and actors in their efforts to protect civilians in zones of armed conflict in Africa.

The ongoing crisis in Gaza throws into sharp relief the plight of civilian populations caught in fighting by protagonists who show little regard for their safety. The indiscriminate firing of rockets into towns and the full-scale military campaigns being conducted in heavily populated cities inevitably mean that the civilian population pays the heaviest price. The protection of civilians begins with the need for an immediate, durable and fully respected ceasefire, as called for by the Council in resolution 1860 (2009). Full access must be allowed to relief agencies to assist the people of Gaza, who have borne the brunt of the suffering. Those are practical and immediately possible actions that simply require political will on the part of both protagonists.

The security situation in Afghanistan remains of concern, with ongoing insurgent attacks against the Government of Afghanistan and the forces of NATO and the International Security Assistance Force (ISAF). NATO and ISAF have stated clearly the importance of avoiding civilian casualties to the maximum extent possible. New Zealand is playing an active role in the protection of civilians through its Provincial Reconstruction Team in Bamyan province. The Team provides daily security to the people of Bamyan and facilitates development assistance programmes.

New Zealand is also deeply concerned at the increasing trend of attacks deliberately targeted at humanitarian workers in conflict zones. Many of those attacks involve humanitarian workers in United Nations-mandated assistance missions. We must do more to ensure the safety and security of those unarmed civilian workers. New Zealand urges all parties to armed conflict to respect international humanitarian law, and recalls in particular the duty to respect and protect humanitarian assistance personnel. We welcome the inclusion in the aide-memoire of the section on humanitarian access and the safety and security of humanitarian workers.

Finally, New Zealand is proud to be among the first countries to have signed the Convention on Cluster Munitions. The Convention places at its centre the people who are most affected by cluster munitions — the victims and communities trying to rebuild after armed conflict has disrupted their lives.

In conclusion, New Zealand strongly supports practical and concrete action to enhance the protection of civilians in armed conflict. We urge the Council to keep those issues at the forefront of its work.

The President (*spoke in French*): I now give the floor to the representative of Tanzania.

Mrs. Kafanabo (United Republic of Tanzania): At the outset, let me thank your delegation, Mr. President, for organizing this debate. We also thank Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, for his informative briefing. This debate comes at an opportune time, as it is taking place 60 years after the adoption of the Geneva Conventions, which provide for the protection of civilians in time of conflict.

It is distressing that there are still many conflict situations in many parts of the world where civilians are

in dire need of protection and where their human rights and dignity are grossly violated. On 10 December 2008, we commemorated in the General Assembly 60 years of the Universal Declaration of Human Rights. In doing so, we reaffirmed the Universal Declaration of Human Rights and stated, inter alia, that we have a duty to step up our efforts to promote and protect all human rights and to prevent, stop and redress all human rights violations. That is a duty we have to fulfil as we deliberate the protection of civilians in conflict.

The protection of civilians in armed conflict is not an option for warring parties — it is mandatory. While parties to a conflict are duty-bound to protect civilians, in particular the most vulnerable groups, such as women and children, what we are witnessing on the ground is very different. Civilians, and in particular women and children, have become direct targets in wars. Women and children are subject to atrocities such as rape, sexual and gender-based violence, forced labour and all forms of violence. We condemn all parties that perpetuate all forms of violence and violations of human rights against civilian populations. Indeed, the protection of civilians is a matter of human rights obligations in all its manifestations, for victims are robbed of their dignity irrespective of who they are or who they support in a conflict.

It is unacceptable that civilians should be left to suffer as conflicts rage on. We must act to end impunity, in our national capacities and collectively. National and international legal systems need to be strengthened to ensure that justice takes its course for those who abuse and violate human rights and that victims are adequately compensated. We therefore urge warring parties to respect international law, in particular international humanitarian and refugee law, and allow free access for humanitarian aid and workers and ensure their protection.

The responsibility to guarantee international peace and security is a matter for all Members of the United Nations, individually and in our regional and subregional organizations. In that endeavour, we are all responsible, not only for our acts for or against peace and security, but also for acts of those in areas of our jurisdiction. The United Nations and regional and subregional organizations all have a role to play.

I will illustrate this using the African region as an example. We have the Peer Review Mechanism in tandem with the New Partnership for Africa's Development; we have various pacts and protocols at the level of African subregions, such as the Pact on Security, Stability and Development, under which a protocol on the protection of refugees and internally displaced persons (IDPs) and their property rights was elaborated. Similarly, a protocol on the prevention and punishment of the crime of genocide, war crimes, crimes against humanity and all forms of discrimination has been elaborated. I believe that subregional organizations elsewhere have similar instruments. The United Nations needs to collaborate with regional institutions in order to strengthen these instruments.

It is of great importance to support all efforts geared towards protecting civilians in armed conflict. The best protection for civilians is to end conflicts. It is thus of greater importance to address the causes of conflict in the first place. As the Secretary-General once said, without peace there cannot be development, and without development there cannot be peace. In that regard, we call upon the international community to work with the United Nations to cause development to prevail at sustainable levels.

Safety for civilians in camps for refugees and IDPs would go a long way towards dissuading civilians and children from following the path of war. Besides bad governance and lack of democracy, ignorance, disease and poverty are also factors driving of civilians and children to joining armed parties, be they militias or disputed Governments. Further, we call upon the States Members of the United Nations to elaborate further on the concept of the responsibility to protect, as well as on human security as additional response mechanisms in the protection of civilians and in ending conflicts.

I wish to conclude by reiterating the commitment of the Government of Tanzania to the protection of civilians in armed conflict and its willingness to work with the international community in this regard.

The President (*spoke in French*): I now give the floor to the Permanent Representative of Morocco.

Mr. Loulichki (Morocco) (*spoke in Arabic*): I am speaking on behalf of the Arab Group, which would like to thank you, Mr. President, for your initiative to convene this open debate on the protection of civilians in armed conflict. I would also like to thank Under-Secretary-General John Holmes for the valuable and comprehensive briefing he gave during this debate.

Today's six-monthly debate coincides with a painful event that highlights its importance and places it in a special light of practicality and everyday life. At a time when the Council is meeting to discuss the content, mechanisms and goals of the concept of protection of civilians, we are witnessing the tragedy of the Palestinian people in Gaza, which is of direct relevance to the issue at hand today.

For the past 19 days, Israel has invaded Gaza using the full potential of its war machine, spreading terror and destruction, assassinating innocent children, annihilating entire families and destroying homes, schools and places of worship. The toll of this aggression has exceeded 1,000 dead and 4,500 injured, not to mention the tens of thousands of Palestinian civilians who have been forced to flee their homes. Where are we in terms of protecting civilians in times of war?

Israel has not stopped at this point. Rather, it has tightened its siege on Gaza and its residents. It has deprived them of the most basic requirements of life. It has prevented them from seeking their daily living and has obstructed the fuel and electricity needed to power public facilities, including hospitals. It has also prevented humanitarian aid from reaching those in dire need of its assistance. What precisely are we doing in terms of protecting civilians in times of conflict?

Moreover, Israel has attacked a school run by the United Nations Relief and Works Agency for Palestine Refugees in the Near East, in which families had sought refuge from the Israeli war machine. Instead, they were met with death. Medical teams and international staff have also been targeted by the Israeli military machine. In addition, the occupying forces, in their vindictive military campaign, have used white phosphorous bombs, as well as weapons that have been banned internationally. What, then, are we doing to uphold our duty to protect civilians in times of conflict?

The catastrophic situation of civilians in Gaza is a painful reminder of what the Palestinian people are suffering every day throughout the occupied Palestinian territories as a result of Israel's illegitimate occupation, its illegal settlement policies, its inhuman siege and its efforts to annihilate the Palestinian identity and punish Palestinian civilians. The occupying Power has become more oppressive and tyrannical as it flouts the principles of international humanitarian law and the Fourth Geneva Convention of 1949, which includes clear provisions pertaining to the protection of civilians in times of war, clearly stipulates the responsibilities that Israel as an occupying Power must uphold and obliges it to implement and respect those provisions. This was reaffirmed strongly by the Human Rights Council in the resolution adopted at its special session of 9 January 2009. The Council called "for immediate international protection of the Palestinian people in the occupied Palestinian territory in compliance with international human rights law and international humanitarian law". (*A/HRC/S-9/L.1/Rev.2, para. 9*)

The Secretary-General has repeatedly condemned the Israeli aggression and has called for its immediate cessation. Moreover, the Office of the United Nations High Commissioner for Refugees has described the Palestinians' plight as the only conflict in the world in which people are not even allowed to flee. Recently, the Council adopted resolution 1860 (2009) calling for an immediate ceasefire in order to put an end to the bloodbath, whose price the unarmed Palestinians are paying more dearly than anyone else. However, instead of responding to or heeding the call of the Council, Israel has pursued its aggressive policies and even escalated its aggression, claiming the lives of dozens every day with no concern for international appeals, regardless of their source. What, then, are we doing to uphold our duty to protect civilians in times of war?

What awaits the Palestinian people, the rest of the Arab countries and the international community as a whole? They expect the Council to work to ensure Israel's implementation of resolution 1860 (2009) immediately and its immediate declaration of a ceasefire. Every hour that passes jeopardizes the lives of hundreds upon hundreds of innocents and increases the desperate humanitarian situation of the rest of Gaza's residents. Is this not one of the duties of protecting civilians of times of war?

The aide-memoire prepared for this meeting indicates the need for the Security Council to take into consideration the situation of most civilians, as well as the responsibilities of parties to a conflict to protect civilians and to respond to their basic needs. It also condemned all the aggressor's actions and called for an immediate end to those and any others that would harm civilians in situations of armed conflict, in accordance with international humanitarian, human rights and refugee law and the relevant conventions.

Therefore, if there is a way to translate those good intentions into concrete implementation by matching the Council's words with actual deeds, and to gauge their feasibility by their impact on the ground, then civilians in Gaza and the rest of the occupied Palestinian territories must be protected. That would end the bloodshed and the aggression that has targeted them, thus preserving the credibility of the Security Council and enhancing the effectiveness of its efforts.

In conclusion, the protection of civilians in armed conflict, despite its importance, is part of a larger challenge related to the need to peacefully resolve conflicts and to positively and effectively address their underlying causes. That challenge lies at the heart of the responsibilities of the Security Council, which, under the Charter of the United Nations, is the principal organ responsible for the maintenance of international peace and security.

The President (*spoke in French*): I now call on the representative of Liechtenstein.

Mr. Wenaweser (Liechtenstein): We thank you, Mr. President, for convening this open debate and the Emergency Relief Coordinator for his briefing at the beginning of this meeting.

This debate is taking place against the backdrop of the armed conflict in Gaza, which is causing very high numbers of civilian casualties, in particular among children. We support resolution 1860 (2009), which is legally binding on the parties to the conflict, and call for its implementation, first and foremost in the interest of the civilian population, whose rights are not being respected, who are bearing the brunt of the ongoing violence and who are being deprived of the necessary humanitarian assistance. The parties to the conflict have the responsibility under international humanitarian law to facilitate humanitarian operations.

Civilian populations have always suffered the consequences of armed conflicts, but modern warfare and the changed nature of armed conflict have massively exacerbated their situation. The Security Council has routinely discussed the plight of civilians in conflict situations and achieved some remarkable results. Most recently, resolutions 1674 (2006) and 1738 (2006) constituted important steps in enhancing the normative and operational framework for the protection of civilians.

Nevertheless, the disproportionate burden that armed conflicts continue to place on civilians requires more consistent and more permanent engagement. The establishment of an expert-level group of the Council and the consistent application and updating of the aide-memoire with a view to the consideration of issues pertaining to the protection of civilians would facilitate more systematic consideration of protection issues.

A positive development outside the Council was the adoption of the Convention on Cluster Munitions, which we have signed, together with nearly 100 other States. While that was only a first step, we hope that it will rapidly lead to the total elimination of such weapons, which are by nature indiscriminate and causing enormous suffering among civilian populations around the globe.

This year, we are celebrating the sixtieth anniversary of the adoption of the Geneva Conventions, one of the outstanding achievements in the history of international law and the centrepiece of international humanitarian law. Only the full implementation of the Geneva Conventions and of other provisions of international humanitarian law can ensure the effective protection of civilians in armed conflict. Sadly, in the recent past, we have witnessed an erosion in the observance of international humanitarian law, and we must urgently reverse that trend.

We are also supportive of the principle of the responsibility to protect, endorsed at the summit level more than three years ago, and call for its consistent application both at the international level and by the relevant intergovernmental bodies.

If the observance of the relevant standards of international law is at the core of the protection agenda, the effective fight against impunity is its necessary complement. When national judiciaries fail in their duty to prosecute the most serious crimes under international law, the International Criminal Court can step in to fill the gap. While more than 100 States have become parties to the Rome Statute, the Security Council also has a special obligation by virtue of the referral powers given to it under the Statute.

One type of crime warrants the particular attention of the Council. Owing to its large-scale, systematic and targeted use, sexual violence is no longer simply a by-product of armed conflict; it has become a method of warfare aimed at destroying the

social fabric of communities in order to achieve political and military ends. In that regard, we reaffirm our support for resolution 1820 (2008). The protection of civilians from acts of sexual violence must be a task inherent to all peacekeeping missions, and the Council's mandates must offer clear guidance on how to provide such protection. Furthermore, the full implementation of resolution 1820 (2008) requires more resources for the collection of data on sexual violence in conflict situations.

The President (*spoke in French*): I now call on the representative of Nicaragua.

Mrs. Rubiales de Chamorro (Nicaragua) (*spoke in Spanish*): We thank you, Mr. President, for having convened this important debate on the protection of civilians in armed conflict. We also wish to thank Under-Secretary-General Holmes for the information he provided today.

International humanitarian law is implemented in times of war to protect persons who are not participating or no longer participate in hostilities because they have been wounded or taken prisoner. In addition, it imposes restrictions on the methods and means of combat. The main instruments of such law are the Geneva Conventions of 12 August 1949 and its Protocols Additional, which are nearly universally accepted. I say "nearly" because this debate is occurring in the face of a concrete case of the violation and non-application of those international instruments. This is the case in Israel's terrible aggression carried out by land, sea and air against the civilian inhabitants of the Gaza Strip. We are witnesses to the fact that in Gaza, the very bases of society — houses, civilian infrastructure, public health facilities, universities and schools — are being destroyed.

On Tuesday, the United Nations Committee on the Rights of the Child denounced the devastating effects of the Gaza conflict on children. The Committee's 18 experts recalled that the international instruments to which Israel has acceded prohibit the targeting of children in situations of armed conflict and direct attacks on objects protected under international law, including places that generally have a significant presence of children, such as schools and hospitals.

My delegation wonders: Who is stopping the violation of the most fundamental rights of these thousands of civilians, children and women who are being massacred? What body of our Organization is implementing on the ground the provision, set out in the first paragraph of Article 1 of the Charter of the United Nations, for the suppression of acts of aggression or other breaches of the peace? How many more children will have to die in Gaza before the United Nations takes action?

In accordance with the instruments of international humanitarian law that I mentioned previously, in the event of hostilities every possible precaution must be taken to avoid causing the collateral death or injury of civilians, or damaging civilian property. The distinction must be made between property of a civilian nature, such as homes and places of worship, and military targets.

However, Israel seems to have a contrary understanding of these provisions and has taken every possible measure, such as the use of the most technologically advanced weapons — including weapons of which the use is prohibited in international humanitarian law — to cause the largest possible number of civilian victims and the destruction of civilian property. The banned weapons that are being used, as borne out by independent experts in Gaza, include white phosphorus and cluster munitions, which are strictly banned in densely populated areas, such as those we are talking about here.

Given this tragic situation, I would like to express the profound disappointment of the people and the Government of Nicaragua that the Security Council has not been able to date to take real and concrete measures on the ground or to comply with its responsibility to immediately halt the Israeli aggression against the Palestinian people. This concern is all the greater given the possibility that the conflict could spread through the region.

The number of civilian victims in the Gaza Strip has doubled since the adoption of resolution 1860 (2009), as have the derision and disdain of Israel of the adopted resolution, of the body that adopted it, and of the members of that body, particularly the permanent members, and of the international community in general. And this disdain does not end there, since the Israeli slaughter and barbarity continues against the Palestinian civilian population.

As a State Member of the United Nations, we urge this body to comply with its responsibilities, take the measures necessary to implement resolution 1860 (2009), and establish a ceasefire leading to a

withdrawal of the Israeli occupying forces, thus halting the genocide that is being practiced against the civilian population of the Gaza Strip and ensuring the unfettered delivery of humanitarian assistance. The resolutions of the principal body of the United Nations for the maintenance of international peace and security must be complied with on the ground, all the more so when human lives are at stake. We must act to protect the civilians in the armed conflict in Gaza from the Israeli armed aggression.

Given this situation of inertia, my Government supports the call by the President of the General Assembly, who at the request of the countries of the Non-Aligned Movement has decided to reconvene the tenth emergency special session of the Assembly. We support the Secretary-General in all his initiatives on the Middle East and any other international initiative that will bring an end to the slaughter once and for all. We have the unshirkable responsibility to protect civilian populations in armed conflict.

Mr. Ja'afari (Syrian Arab Republic) (*spoke in Arabic*): It is indeed appropriate that we should meet on the issue of the protection of civilians in armed conflict at this particular time. Despite the legal developments and international agreements on the protection of civilians in armed conflict that have emerged since the establishment of the United Nations, starting with the Geneva Convention relative to the Protection of Civilian Persons in Time of War and the numerous resolutions subsequently adopted by the Security Council, civilians are still paying the heaviest price in armed conflicts.

It is indeed ironic that the gap between text and implementation — between what the law dictates, on the one hand, and what is practiced on the ground, on the other — is gradually growing wider. We are referring, of course, to the protection of civilians in armed conflict.

Although some theorists like to commend what they call the great developments in and evolution of international law, civilians in armed conflict and those living under foreign occupation and settlement are still suffering from all forms of violence and forced displacement; as well as the intentional deprivation of humanitarian aid, not to mention the confiscation of land. In short, those civilians are still being subjected to everything that is contrary to the law, their only fault being that they reside in so-called areas of armed conflict or that their lands have been occupied by others and have been managed and administered in their absence — or even in their presence. These lands are being manipulated in a way that is very close to genocide and ethnic cleansing.

In a statement I made to this Council on 27 May 2008, I referred to Mr. Holmes' statement to the Council in November 2007 on the deteriorating situation in the occupied Palestinian territories, especially Gaza, which he described at the time as reaching the limits of what is bearable for any community. I would now like to recall what Mr. Holmes said in his statement of 27 May 2008. "In Gaza, Israeli air attacks and ground incursions continue to result in unacceptable Palestinian civilian casualties" *(S/PV.5898, p. 3)*.

At that time, seven months ago — which happens to be the duration of the truce with Israel — I described the inhuman situation of civilians in Gaza as a result of collective punishment policies that are legally actionable and that are embodied in the siege and in the deprivation, oppression and tyranny that Israel has practiced against civilians under the umbrella of a so-called truce. This so-called truce has in fact led to the transformation of the Gaza Strip into the biggest collective detention camp in the world, while its residents have been deprived of the most basic requirements of life. The situation I described was the tragic situation during the truce of the past seven months, as Mr. Holmes, who is sitting to my left, can attest.

According to the science of philosophy, rational thought would presume that repeated calls upon Israel to put an end to these practices should logically lead to its immediate cessation of these illegitimate policies and practices. That is what the rational thought of philosophy would assume. Unfortunately, Israel did not just ignore these calls and the demands issued several months ago, during the truce. Rather, it escalated its aggressive practices and launched a cowardly military operation targeting the unarmed civilians that it is holding prisoner in this detention camp called the Gaza Strip. It has killed and wounded thousands and is continuing to do so at this very moment, thus completely undermining the concepts of international legitimacy, international law and international humanitarian law.

Incidentally, we would like to remind the Council that this collective prison called Gaza occupies an area of only approximately 363 square kilometres. It is a strip of land that is 35 kilometres long and about 6 to 12 kilometres wide. It is equivalent to the area of one of the Nazi detention camps that humanity mistakenly thought were a painful experience never to be repeated in the future. However, Israel has insisted on such a repetition.

Let us review together what was stated in the Security Council's statement on the protection of civilians, of 27 May 2008 (S/PRST/2008/18). The Council reaffirmed that parties to armed conflict are responsible to take all feasible steps to ensure the protection of affected civilians, in particular giving attention to the specific needs of women and children. What was Israel's response to these words? Its response was to kill more than 400 children and approximately 200 women, not to mention the elimination of entire families.

Moreover, the Security Council statement stipulated the need to grant safe and unhindered access of humanitarian personnel to provide aid to civilians in armed conflict in accordance with international law. What was Israel's response to this statement? Its response was to deny medical and food aid completely despite international calls to the contrary, the most recent of which was resolution 1860 (2009). And what were its aims through this? To kill those it could not kill directly by depriving them of food, medicine, water and electricity.

The Israeli forces also rounded up several families and led them to an empty house, then bombed them from aircraft in a flagrant breach of the Third Geneva Convention relative to the treatment of prisoners. Moreover it has used internationally banned weapons such as white phosphorus in bombing its enemies, who are women and children.

The criminal acts that Israel is perpetrating constitute a unique case of wholesale violation of all the principles and tenets of international law and international humanitarian law, the Rome Statute of the International Criminal Court and the Geneva Conventions of 1949 and their Additional Protocols, as well as international conventions on the protection of children. These crimes are war crimes and genocide that must be prosecuted.

Let us admit here that Israel's aggressive behaviour has a unique trait — let us call it a shortcoming — that no usurper in history has yet achieved: it violates humanity's entire legal tradition in one go, with no exception. Here we ask this Council to tell us which legal obligations Israel has upheld since the Security Council placed the item of the protection of civilians in armed conflict on its agenda in the late 1990s. We also ask the Council to inform us where and when has it held Israel accountable for its violation of international criteria and laws pertaining to the protection of civilians.

The important question, whose answer would be much appreciated by us and by many others, is why are there two standards in the implementation of international law, and why is Israel exempt from the implementation of these standards? Is this so-called international law designed on the basis of criteria that have nothing to do with the criteria of our Member States but much to do with the narrow interests of some influential States in the Security Council, with the aim of protecting Israel and holding it above international law? Is this the reason? Or is there a problem in understanding the terminology so that some do not consider the Palestinians unarmed civilians like all others in the free world?

We note here that the Charter of the United Nations does not give a State the right to violate civilians' rights, including the rights of civilians under occupation, using the excuse of self-defence. Rather, the Charter obliges the occupying Power to meet clear requirements. It is not permissible for some, even with good intentions, to repeat in this Chamber Israel's lie that its aggression against the Palestinians is in self-defence, in application of Article 51 of the Charter, because that Article does not apply to invading forces that forcibly occupy others' lands and have done so for decades. Quite to the contrary, Article 51 of the Charter applies by default to the Palestinians' resistance against Israeli occupation, in self-defence. In other words, the right to self-defence must not be manipulated by some to justify their silence over Israel's crimes. There is an Arabic proverb that says "Those who do not speak out against wrong are but a silent Satan".

The situation of Syrian residents in the occupied Golan is not much different from that of the Palestinians. The Israeli occupation forces continue to confiscate land and to expand illegal settlements. The so-called regional settlement council in the Golan, with

the support of the occupation Government, has endorsed plans to build a new settlement tourism village that would occupy 40 dunams near the Israeli settlement of Ani'am, which was built over the ruins of the Syrian town of Nakhila Taibeh. Moreover, that council, in cooperation with the religious Yonatan settlement administration, which is an extremist organization, has set up a plan to attract thousands of settlers so that their numbers would increase to over 50,000 in the near future. Also, representatives of Israeli parties in the settlement of Ketzarin, which was also built on the rubble of a Syrian town, Qazrin, have signed a coalition agreement within the framework of the regional settlement council that aims to establish cooperation and coordination among them in order to oppose any Israeli withdrawal from the Golan in light of the resumption of indirect negotiations to that end.

Israel continues to impose a policy of oppressing civilian Syrian citizens in the occupied Syrian Golan. It continues to imprison them with no due cause and to subject them to situations that could jeopardize their lives. We would like to call attention here to the case of prisoner Bashir Al Moqt. My Government has called on the Secretary-General, the Red Cross and others to intervene to save his life.

Israel also continues with its policy of cutting off all forms of communication and contact between Syrian family members who have been separated as a result of the occupation. Moreover, the Israeli forces have confiscated Syrian identity cards given to students from the occupied Golan attending Damascus University when they returned to their towns in the occupied Golan. Here, Syria calls upon this Council to pressure Israel to allow Syrian citizens to visit their Syrian motherland, through the Quneitra crossing immediately and without delay, in order to give credibility to this particular debate,. My country has dispatched messages in this regard to the Secretary-General, the Presidents of the Security Council and General Assembly and governmental and non-governmental organizations requesting them to intervene to help in resolving this issue.

We hope that all of these parties would translate the positions that they have taken today into real actions, especially since international law stipulates that Israel's occupation of the Golan is actually several occupations, thus requiring that the Council issue several incriminations. Israel has not been occupying the Syrian Golan since 1967, but also adopted a provocative and unjust resolution claiming to annex the occupied Golan, which was unanimously rejected by this Council in its resolution 497 (1981). The Council considered the decision to annex as void and demanded that Israel immediately rescind it.

The President (*spoke in French*): I now give the floor to the representative of Colombia.

Mr. Montoya (Colombia) (*spoke in Spanish*): Allow me to begin by congratulating you, Sir, for your work as President of the Security Council and for your initiative to convene this debate on an issue to which my Government ascribes particular importance. We would also like to thank Under-Secretary-General John Holmes for his informative briefing. We welcome the support that the Office for the Coordination of Humanitarian Affairs and other bodies of the United Nations system have provided to Colombia in the tasks of attending to the civilian population and protecting their rights.

The Government of Colombia has prioritized, through our democratic security policy, the objective of promoting conditions that guarantee the protection and full enjoyment of the rights of all persons living in our country. This has allowed for significant progress in terms of citizens' security, such as the reduction in the rate of extortive kidnappings to its lowest point in the past 20 years, the reduction to zero of the number of towns taken by groups outside the law and the consolidation of the State presence and security forces throughout the country. The task of protecting the population has been carried out through policies and continuous actions that involve various State entities.

In terms of dealing with displaced persons, Colombia has continued to strengthen its national assistance policy. In 2008, 260,000 displaced families were registered in the Families in Action programme, which allows resources to be allocated for social welfare. In addition, 86,000 displaced families were registered during the same period in income-generating programmes. The management of the assets earmarked for the Fund for the Reparation of Victims of Violence has also begun. The Fund will benefit victims identified by the judicial authorities through a process being carried out within the framework of the Peace and Justice Law.

The Government of Colombia reaffirms its condemnation of any action aimed against the civilian population. The protection of the civilian population

and strict compliance with international humanitarian law and other relevant international norms are matters of absolute priority.

Ten years after the Security Council first began holding thematic debates on the protection of civilians in conflict, there is still no clear conceptual understanding of this issue. In this regard, the aide-memoire for the consideration of matters relating to the protection of civilians, soon to be adopted, is a useful instrument to guide the work of this body in formulating and following up on this issue in peacekeeping operations. We believe that it is appropriate that the Security Council has adopted an approach focusing the scope of the aide-memoire on such operations, looking at one case at a time and bearing in mind the specific circumstances of each situation.

From this perspective, it is essential to underline that the primary responsibility for the protection of civilians rests with each State and that, in turn, States can request international support when they deem necessary. In this context, the United Nations and the international community in general have a supporting role to play in national protection efforts. Humanitarian assistance, in order to be reliable and predictable, must be carried out in accordance with the Charter of the United Nations and in conformity with humane principles and the principles of neutrality, impartiality and independence.

Colombia supports the operational work of the United Nations for the protection of civilians. To this end, adequate cooperation between the Security Council and other relevant United Nations bodies must be maintained. In particular, the role of the General Assembly as the appropriate body for adopting policy guidelines in the humanitarian field must be strengthened.

Furthermore, my delegation would like to highlight the urgent need to establish effective controls for the illicit traffic of small arms and light weapons as indispensable to better protection for civilian populations. For my country, that illicit trade, which is of an international nature, represents a serious problem, as it threatens civilian security, increases crime rates and results in the death or permanent disability of thousands of persons.

Likewise, the Government of Colombia highlights the importance of the Convention on Cluster Munitions, which was mentioned today by the Under-Secretary-General. Colombia is one of the countries that signed the Convention at the conference held to that end in Oslo in December 2008. With this decision, the Government of Colombia reiterated its commitment to respect for human rights and international humanitarian law and its willingness to face the problem of weapons that have a humanitarian impact.

Colombia supports efforts aimed at providing protection to civilian population and guaranteeing their rights, in accordance with the Charter of the United Nations and the norms of international law, including international humanitarian law. We will shortly celebrate the sixtieth anniversary of the adoption of the Geneva Conventions. In the lead-up to that commemoration, the Government of Colombia reaffirms its unwavering commitment to the norms established in those important instruments.

My delegation will maintain an active participation in future discussions on this issue and its ongoing willingness to promote the treatment of this issue by the various bodies and institutions of the United Nations.

The President (*spoke in French*): I now give the floor to the representative of Myanmar.

Mr. Than Swe (Myanmar): At the outset, I wish to thank you, Mr. President, for convening this debate. I also wish to extend my thanks to Under-Secretary-General John Holmes for his valuable and comprehensive briefing this morning.

Over the past several decades, we have witnessed a decline in the number of armed conflicts around the world. However, armed conflict, with all its complexity, continues to rage in some parts of the world. The grim reality we face today is that the protection of civilians in armed conflict remains a daunting challenge for the international community. The easy availability of illicit small arms and light weapons exacerbates the situation. Modern warfare and armaments, even with their deadly precision, result in collateral damage and massive destruction.

Myanmar believes that the most effective way to protect civilians in armed conflict is to address the root causes and put an effective end to it. In order to establish durable peace and stability, reconciliation between the parties to a conflict needs to be reinforced, along with the promotion of sustainable development,

the eradication of poverty, good governance and the protection of human rights.

With that in mind, the Myanmar Government has embarked upon a national reconciliation process by engaging in peace negotiations with armed insurgent groups. As a result, 95 per cent of armed insurgents, numbering some 100,000, have returned to the legal fold. The former insurgents have also joined the national convention process, participated in the drafting of a new constitution, taken part in the national referendum and endorsed the new constitution. Peace and stability therefore prevail in almost all parts of Myanmar.

Myanmar also believes that the easy availability of illicit small arms and light weapons adds complexity to the nature of armed conflicts. It not only prolongs and deepens a conflict, but it also has severe implications for the social fabric. It breeds terrorism and transnational crime such as trafficking in human beings, drugs and illegal contraband. Myanmar therefore believes that a legally binding international instrument that prohibits the illicit trade in small arms and light weapons with non-State actors will go a long way to protect civilians in armed conflict.

Over the past nine years, the United Nations has made significant progress in strengthening its role in the protection of civilians in armed conflict. The four thematic resolutions of the Security Council on the protection of civilians form an effective comprehensive framework for action in that area. It must be stressed that the implementation of the resolutions should be implemented in faithful conformity with the provisions of the Charter of the United Nations and while upholding and respecting the principles of humanity, neutrality, impartiality and independence. National sovereignty and territorial integrity should also be respected, in order to foster a spirit of cooperation and confidence-building for the promotion of durable peace and stability.

My delegation is fully committed to a peaceful solution to the Arab-Israeli conflict. We are convinced that there is no military solution to it. We strongly call for the protection of civilians. In that connection, my delegation wishes to express its profound concern about the destruction and loss of innocent life as a result of the ongoing military attacks in the Gaza. Myanmar joins the international community in urging the cessation of all military activities and violence in order to find a peaceful solution to the escalating conflict.

The United Nations and the international community have a legal and moral obligation to work for durable peace. The principles enshrined in the Charter of the United Nations, the relevant Security Council resolutions, in particular resolution 1860 (2009), and the relevant international humanitarian and human rights law must be upheld in a balanced, non-discriminatory and transparent manner if we genuinely wish to protect civilian populations from armed conflict and promote peace and stability.

The President (*spoke in French*): I now give the floor to the representative of Kenya.

Mr. Muita (Kenya): I have the honour to participate in today's debate. At the outset, let me express my appreciation to you, Mr. President, for organizing this important gathering. I also wish to thank Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, for his comprehensive briefing this morning.

The Security Council's continued consideration of this agenda item is an indication of its commitment to protect civilians in conflict situations. It is civilians who are always severely and negatively impacted by war and other conflicts. That has become a constant problem — for instance, in the Horn of Africa and the Great Lakes region, where hundreds of thousands of civilians have been uprooted from their normal daily lives by the effects of conflict. I believe that we must continue to make concrete and specific efforts to ensure the dignity of those distressed by war. That need is echoed in the words of former Secretary-General Kofi Annan, who said:

> "As human beings we cannot be neutral, or at least have no right to be, when other human beings are suffering. Each of us . . . must do what he or she can to help those in need, even though it would be much safer and comfortable to do nothing".

The protection of civilians in armed conflict is a humanitarian as well as a human rights issue and is in conformity with international humanitarian law. There have been some achievements in that area during the past decade. Those include increased engagement by the Council through the adoption of resolutions,

especially resolutions 1738 (2006) and 1674 (2006), combating impunity at the national and international levels and prioritizing the protection of civilians in peacekeeping mandates. However, there still remain considerable challenges ahead. I wish to highlight just two of them, first humanitarian access.

Humanitarian access during conflict is life-saving, and thus the importance of providing a secure environment for humanitarian workers to access civilians in need, including displaced persons. We support current efforts to enhance the capacity of peacekeeping missions to provide protection to humanitarian providers, but there are still significant challenges at the operational level, where peacekeepers lack capacity to reach the entirety of a threatened population. There is therefore an urgent need to address and streamline that aspect to avert large-scale population displacements and widespread human rights violations in future conflicts.

Secondly, gender-based violence has been used as a calculated tactic of war, apparently to dehumanize and instil fear in civilian populations. The adoption of resolutions 1325 (2000) and 1820 (2008), which concern civilians in conflict zones, was a step in the right direction, but much is required to enhance their implementation. We need to move from words to deeds to ensure the protection of the sexually vulnerable in armed conflict, as those acts destroy individuals, families and communities.

As the Council may recall, early last year was a particularly difficult period for my country, with the violence following the December 2007 election. Civilians were the primary target of attack. Many were displaced from their homes and denied access to life-saving nourishment, medicine and shelter. As the State has the primary responsibility for the protection of civilians in conflict, the Government of Kenya, with strong support from international and regional partners, stepped in to avert a further worsening of the crisis and provided protection to its civilians. The displaced were provided with accommodation in camps for the internally displaced in the affected areas. Government security forces were used to open up supply routes and highways to enable the continued flow of humanitarian support to affected areas. That ensured that civilians in conflict areas were afforded basic human dignity throughout the crisis.

In conclusion, my delegation reaffirms my country's commitment to the protection of civilians in situations of armed conflict. Together, we need to address the root causes of conflicts in order to reduce their occurrence.

The President (*spoke in French*): I now give the floor to the Permanent Representative of Egypt.

Mr. Abdelaziz (Egypt) (*spoke in Arabic*): At the outset, I would like to express the appreciation of the Egyptian delegation for your initiative, Mr. President, to convene this general debate on the protection of civilians in armed conflicts.

This debate takes place at a very perilous time. The Palestinian people in the Gaza Strip are confronting genocide under the very nose of the Security Council, and the Israeli occupying Power is clearly and flagrantly violating its obligations under international law and international humanitarian law. Moreover, its actions constitute a blatant defiance of the authority of the Security Council, which has made continuous calls — inter alia, in its press statement of 15 December and its resolution 1860 (2009), adopted on 8 January 2009 — for an immediate ceasefire between Palestinians and Israelis.

The recent Israeli aggression against the Gaza Strip has demonstrated unequivocally the inability of the Security Council to enforce its decisions. It has also demonstrated the Council's inability to adopt critical decisions in a timely manner, as expected by the international community. Furthermore, the Council has demonstrated its inability to prevent the escalation of Israel's brutal air and ground military operations and its use of internationally banned weapons. The Council is also unable to impose the will of the United Nations as the sole representative of the international community, even when such representation takes the form of a unanimously adopted statement or a resolution adopted by 14 votes in favour and the abstention of one member that endorsed the main thrust of the text.

The issue, then, is that the Security Council discusses the protection of civilians in armed conflict, but turns a blind eye to the ongoing massacre, which has killed approximately 1,000 Palestinians and injured nearly 5,000, at the hands of a brutal force occupying their land. The Council procrastinates on any significant negotiations aimed at peace and claims, with support from forces within and outside its

membership, that Israel is exercising its legitimate right to self-defence and reacting to the deaths of Israelis, who number no more than the fingers of one hand, from rockets launched from the Gaza Strip. Israel uses not only excessive and disproportionate force, but also internationally prohibited weapons, in its so-called self-defence, while flouting all its legal and ethical obligations.

Protecting civilians in armed conflict from death and injury and providing humanitarian and economic assistance to the brotherly Palestinian people were the main goals of the Egyptian initiative launched by President Mubarak on 8 January, in conjunction with the adoption of resolution 1860 (2009). The initiative calls first for an immediate ceasefire for a predetermined period, during which humanitarian assistance can be delivered. It provides for an appropriate timeframe for negotiations on the arrangements and guarantees stipulated by the resolution in order to make the temporary ceasefire permanent, thereafter promoting the resumption of peace negotiations.

However, both parties have so far chosen not to implement this initiative; each believes that it will emerge victorious from this military confrontation, ignoring the fact that there are no winners in such a war. There will be clear losers, however: the civilians of Palestine and Israel alike. Those civilians have lost their lives so that some might achieve their electoral aspirations or claim a bogus victory at the expense of the deceased victims. Victory cannot be achieved except through a genuine peace process based not on the ambitions and aspirations of individuals, but on the benefits of peoples living in peace and stability.

Egypt's efforts to establish an immediate ceasefire between both sides continue, but it also believes that the Security Council has a great responsibility to impose the international will represented in its resolutions and statements; adopt all the necessary measures to protect civilians on both sides by pushing forcefully to implements its decisions; enforce all human rights protection mechanisms, especially through the convening of a special session of the high contracting parties to the Fourth Geneva Convention; implement the resolution adopted by the Human Rights Council on 11 January; and provide international protection through a protection force for the Palestinian people, in implementation of the principle of the responsibility to protect. Some seek to apply that principle to specific countries, while bypassing others toiling under brutal occupation and confronting ferocious aggression without any international force to protect them.

Furthermore, the Security Council is primarily and the General Assembly secondarily responsible for investigating war crimes, crimes against humanity and genocide, and for handing over those who are responsible for committing such crimes to international prosecutors. This should take place in conjunction with Arab and international efforts to end the occupation, since without an end to the occupation and without a right for the Palestinian people to establish their independent State with Jerusalem as its capital, the Middle East will never enjoy stability and civilians in Palestine and Israel will not enjoy lives of peace and security.

In order to achieve those ends and to create an opportunity for the peace process to succeed, the siege imposed on the Palestinian people in Gaza must be lifted, access to basic humanitarian and economic needs must be ensured, and Palestinian national reconciliation should be achieved so that clear political prospects that will contribute to the success of regional and international efforts to stop the violence and ensure the success of the peace process, can be established. In this regard, Egypt will continue to do its utmost to achieve those two goals by supporting all efforts to restore full security and stability to the occupied Palestinian territories until the occupation has ended and the independent Palestinian State is established.

The President (*spoke in French*): I now give the floor to the representative of the Bolivarian Republic of Venezuela.

Mr. Valero Briceño (Bolivarian Republic of Venezuela) (*spoke in Spanish*): This meeting to consider the issue of the protection of civilians in armed conflict is very timely, in view of the tragic events that have plunged the Palestinian people in Gaza and the international community into mourning and threaten to engulf the United Nations once again in a cloud of desperation, impotence and frustration. Civilians trapped in armed conflicts and those who suffer because their neighbours are suffering hope that the purposes and principles enshrined in the preamble of the Charter of the United Nations will be applied to safeguard current and future generations from the scourge of war.

The nature of armed conflicts is changing, involving a whole series of factors that must be examined as a whole. The parties involved, the Security Council, the General Assembly, the Economic and Social Council, the Human Rights Council and other bodies of the system, each within their respective competencies, need to examine strategies of prevention to safeguard peace and protect civilians, looking to the underlying causes of armed conflict.

In the Gaza Strip, we are facing one of the worst types of war in the modern world: punishing the civilian population to break their morale, destroy their spirit of resistance, crush their will to fight and lead them to believe that slavery can be benign. However, the dignity of peoples has prevailed throughout history. Resistance in search of freedom and self-determination is preferable to submission to genocidal Powers.

Resolution 1674 (2006) contains valuable elements. The Bolivarian Republic of Venezuela wishes to emphasize that the framework established by that resolution is not exhaustive in terms of the possible actions that the international community should or could take. This is shown most clearly in the deplorable cases of inaction or excessive delay in responding on the part of the Security Council when it needs to safeguard the lives, physical integrity and basic needs of civilians in situations of armed conflict.

The recent experiences in the Gaza Strip and southern Lebanon are clear examples of how an outdated institution tied to the specific interests of certain States can affect civilians. It enables the parties to a conflict — or some of them — to flagrantly violate international humanitarian law and human rights.

Venezuela reiterates that the primary responsibility for the protection of civilians in armed conflict rests with States. Here, the international community can play a constructive role by supporting national efforts, always respecting the framework set out in the Charter of the United Nations, and working to preserve the sovereignty and territorial integrity of countries.

The Government of the Bolivarian Republic of Venezuela notes with concern the attempts of certain States to obstruct the debate on the concept of the responsibility to protect, set out in paragraph 139 of the 2005 World Summit Outcome. In that connection, those countries have baselessly tried to maintain that that concept is a standard that can be applied without engaging in the necessary discussion. Our country fully agrees with those States that have expressed the view that the Security Council is not in a position to interpret or utilize that concept before a consensus has been reached in the General Assembly. Our Government highlights the importance of the work accomplished in this area by Mr. Edward Luck, the Secretary-General's Special Adviser on the responsibility to protect.

The protection of civilians in armed conflict and the prevention of humanitarian crises and the commission of grave crimes against humanity can be guaranteed only in an atmosphere of cooperation, good faith and strict compliance with international law.

Without the appropriate and timely provision of humanitarian assistance, civilian populations in situations of armed conflict are condemned to prolonged suffering that may even lead to their death. For that reason, Venezuela condemns deliberate attacks against any personnel who do humanitarian work. We deplore the fact that the occupying Power, Israel, has not provided the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) with the security conditions necessary for its humanitarian activities in Gaza. The attacks on United Nations convoys and facilities constitute crimes against human rights, and those responsible must be brought to justice under the relevant international laws. The Israeli authorities must be required to provide conditions of security so that UNRWA and the other United Nations entities acting in situ can continue to assist the victims of the mad violence unleashed as a result of the military aggression perpetrated since 27 December 2008.

Finally, the Bolivarian Republic of Venezuela reaffirms its commitment to the cause of peace and its willingness to debate, within the forum of the General Assembly, all measures aimed at the effective protection of civilians in armed conflict. We are convinced that it is within that framework that we can achieve genuine political commitment on the part of States to the development and application of the norms of international humanitarian and human rights law on behalf of civilian populations affected by armed conflict.

The President (*spoke in French*): I now call on the representative of Iran.

Mr. Al Habib (Islamic Republic of Iran): At the outset, I wish to thank you, Mr. President, for having convened this open debate at this critical juncture. I would also like to thank Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, for his comprehensive briefing today.

The issue under consideration is of paramount importance, and this meeting is all the more important because it is being held at a time when the Palestinian people in the Gaza Strip are being subjected to one of the most heinous brutalities ever committed against civilians in the history of humankind.

Rather than making generalities about today's important topic, I, like many previous speakers, would prefer to address one of the most serious examples in that regard: the untold losses and suffering that the Zionist regime has inflicted on the defenceless civilian population in Gaza. We also hope that the current tragedy in Gaza will be duly reflected in the outcome of today's Council meeting.

Over the past 19 days, Palestinian civilians have been deliberately targeted and brutally mass-murdered by the ruthless Israeli war machine, which is callously shattering lives and livelihoods in the Gaza Strip. The abhorrent Israeli carnage and Israel's war crimes in the Gaza Strip are continuing unabated. The 1.5 million people of Gaza have been under a crippling siege and a brutal blockade for more than 18 months now and continue to be deprived of the most needed medical supplies and the most basic necessities — including even bread and drinking water — and are, at the same time, being massacred in the most horrendous and brutal ways, with nowhere to run, nowhere to hide and nothing to eat. Whole families are being eliminated in cold blood by the Zionist forces, and women and children, along with other civilians, are being deliberately targeted and massacred.

The humanitarian aid sent to the people of Gaza is being turned away by the Israeli regime and prevented from reaching its destinations, as in the case of an Iranian relief ship carrying 2,000 tons of basic medical and food supplies destined for Gaza, which was intercepted and prevented from continuing on its way to Gaza by the Israeli regime yesterday. We condemn that unjustifiable move and hope that the Security Council will exert pressure on the regime to cease and desist from such unlawful actions.

Even United Nations workers and the United Nations premises where innocent civilians take shelter are not immune from Israeli attacks, as we witnessed in the recent attack on schools of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, which claimed the lives of more than 40 people and wounded many more civilians, most of them children. Savage acts, such as forcing women, small children and other civilians out of their homes and then massing them all into a small place and machine-gunning or shelling them, are examples of the rampant atrocities being repeatedly committed by the Israeli forces in Gaza. Those revealed so far are really just the tip of the iceberg, and many other such atrocities are simply never reported because the international media are facing an Israeli ban and cannot cover the heartbreaking tragedies in Gaza.

The international community has no doubt that the Zionist regime is violating the basic principles of international law, international humanitarian law and human rights law and defying the most fundamental values for which the civilized world stands. Israeli forces are blowing away women and children in Gaza without a moment of remorse. As a result of those atrocities, many innocent civilians, including little children, have died horrible deaths, and the bodies of many others have not been recovered from the rubble because the Israeli military is shooting at anyone who attempts a rescue.

This carnage must be stopped immediately, and the Israeli war criminals should be brought to justice for the crimes that they have perpetrated and continue to perpetrate and for the outrageous and brutal pain and torment that they have inflicted and continue to inflict on the innocent people in Gaza.

Despite its commitment to the full and effective implementation of its resolutions on the protection of civilians in such circumstances, the Security Council has thus far taken no effective action to stop this genocide against Palestinians. The Security Council was first prevented by some permanent members from taking any action, and when it took action belatedly, the resolution it adopted, resolution 1860 (2009), did not address the expectations of the international community in, inter alia, forcing the Israeli regime to stop its atrocities against the Palestinians and withdraw from Gaza, or even in strongly condemning the Israeli regime's crimes against humanity and devising a mechanism for holding Israeli officials accountable for

the war crimes and genocide that they have committed and continue to perpetrate against the Palestinian people in general and in the Gaza Strip in particular. Even that resolution, as imperfect and belated as it is, is being totally ignored by the Israeli regime, as are many other previous United Nations resolutions, to which its response had been contempt and defiance.

We strongly condemn all of these Israeli violations of international law and urge the Security Council to force the Israeli regime to put an end to such practices and to its aggression. The international community should act swiftly to end impunity and to bring the Israelis responsible for war crimes, genocide, crimes against humanity and numerous other serious violations of international humanitarian and human rights law to justice. The Council has a vital and urgent responsibility to discharge in this regard in order to end these Israeli atrocities and crimes against humanity immediately.

The President (*spoke in French*): I now give the floor to the representative of the Sudan.

Mr. Mohamad (Sudan) (*spoke in Arabic*): At the outset, let me congratulate you, Sir, on your assumption of the presidency of the Council for this month and express our great appreciation to you for having devoted today's discussion to the theme of protection of civilians in armed conflict. Ten years have passed since the submission to the Council of the first report of the Secretary-General on the protection of civilians in armed conflict (S/1999/957), and two years have passed since the adoption of resolution 1674 (2006); we would like to commend Mr. Holmes for his statement on this subject. We hope that today's debate will lead to an objective vision on ways and means to protect civilians and, above all, to eliminate the causes of conflict, because, as they say, it is better to prevent than to treat.

We note with concern that civilians are not only victims of violence, flight and displacement, but are also victims of the latest technologies of death, including cluster bombs and phosphorus bombs, which has shocked the international community. This is particularly true in Gaza, where children, the elderly and women, and even fruit trees, are victims of death and destruction. The aggression against civilians in Gaza leads us to raise questions in the Council about the credibility of debates on the protection of civilians, and about the crocodile tears and double standards that we see.

In a number of reports, the Secretary-General has emphasized the importance of activating and enhancing the civilian protection capacity of United Nations peacekeeping missions. At the same time, experience and practice have shown that when there is no peace to be keep on the ground, peacekeeping operations, whatever their protection capacity, are restricted to looking out for their own protection, because what protects civilians, above all, is peace, which is something that everyone needs, as are disarmament, demobilization and reintegration programmes, and quick-impact development projects that can guarantee progress and ensure that civilians are able to leave displacement camps and return to their towns and villages, so that they can resume their normal lives.

For this, peacebuilding needs to be a priority for the United Nations so that the Organization is not be bogged down in dealing with the symptoms of conflict. We would also underscore that regional organizations have shown an increased capacity in this area because they understand the nature of conflicts and their causes and can thus add value. Here, we need to mention the decisions of the West Africa Conference on the Protection of Civilians in Armed Conflict held by the Office for the Coordination of Humanitarian Affairs (OCHA) in Dakar in April 2007, which addressed the role of regional organizations in protecting civilians, beyond their peacekeeping role.

Protection of civilians in armed conflict is a noble goal and a major priority. But we are concerned about attempts to use this principle for political purposes, including the broad debate on what is being called the responsibility to protect. We stress that the principle of the responsibility to protect, despite the fact that it was incorporated in the 2005 World Summit Outcome document (General Assembly resolution 60/1), is still the subject of differing interpretations by Member States, taking into account the Charter principles concerning State sovereignty and the full and unlimited responsibility of States with respect to the protection of their citizens.

We also recall that the duty to protect civilians in armed conflict is also one element in a comprehensive and interdependent set of rights and responsibilities set out in the 2005 Millennium Declaration (General Assembly resolution 55/2). Key among these are the

right to development, the prevention of conflicts, the eradication of the root causes of conflict, the fight against poverty, the right of refugees to return, and the meeting by donors of their commitments in the area of development.

That is why the protection of civilians needs to be part of a comprehensive approach based essentially on addressing the causes of conflict through an active United Nations role in support of initiatives towards political settlements and reconciliation, complemented by a parallel role for the Organization and its agencies in the humanitarian area and the spheres of sustainable economic development and reconstruction.

The protection of civilians is ultimately the responsibility of States, which is why we need to enhance the capacities of the States involved so that they can properly shoulder their responsibilities. We must not weaken the capacities of these States through sanctions or adventurist actions aimed at undermining peace and through other kinds of interference in their internal affairs.

The manner in which the United Nations addresses the disaster facing civilians in Gaza should provide an example of the expected role of the United Nations in the area of the protection of civilians.

We need to hear from those who talk at length of the need to fight impunity and genocide. We want to hear them speak of the events in Gaza.

The President (*spoke in French*): I give the floor to the representative of Pakistan.

Mr. Amil (Pakistan): First, we would like to thank Ambassador Ripert, Ambassador Lacroix and the French delegation for convening this debate during France's presidency of the Council. We would also like to thank Under-Secretary-General Holmes for his briefing.

It has been almost a decade since the United Nations began to systematically approach the issue of protection of civilians in armed conflict. Pakistan has been an avid supporter of these efforts. We have always espoused the calls for a comprehensive approach and system-wide coherence in effectively addressing the challenges related to the protection of civilians in armed conflict. This approach starts with prevention, and in that regard we have always emphasized the need to fully utilize and put into practice the Charter's provisions and mechanisms for the pacific settlement of disputes.

We believe that just, peaceful and durable settlements of conflicts require above all addressing their root causes. Where conflicts have erupted, Pakistan has also contributed in tangible terms to the international community's efforts to contain and resolve those conflicts. As the leading contributor of military and police personnel to United Nations peacekeeping operations, Pakistan has played its role in restoring peace and stability and creating the overall conditions in which civilian lives can best be protected. We shall continue our contribution in that regard.

There exist internationally agreed mechanisms, including international laws, rules and regulations, as well as responsibilities and obligations with regard to the question of protection of civilians in armed conflict. The issue at hand is not the lack of clarity or understanding, but the inability to implement these agreed mechanisms. This is the main focus of our intervention today.

As we take the floor one after another, restating or rehashing known positions or offering new ideas on the protection of civilians in armed conflict, I am sure we all realize that the world is watching us. As Gaza burns, the world is watching us. The world is watching this Council in particular with disappointment. For while this Council spends a day debating high-sounding moral principles and respect for international law, it has failed to carry out its own primary responsibility under the Charter for the maintenance of international peace and security.

For a debate of the Council on this issue, these are no ordinary circumstances. The 1.5 million Palestinians imprisoned in Gaza, collectively punished, callously persecuted, strangulated and blockaded for years by Israel, the occupying Power, have been subjected to a new deliberate campaign of terror, death and destruction, which continues for the nineteenth day as the entire world watches in horror and disbelief. The besieged people of Gaza, we must not forget, are mostly the Palestinians who were originally dispossessed and driven from their homes by the Israeli occupation. Under the blockade in Gaza, the choice given to them has been either to starve or to submit.

Over the years, stark and disturbing evidence has made it clear that civilians, particularly vulnerable groups such as women and children, continue to bear

the brunt of armed conflict and remain the prime victims in such situations. This is also the case in Gaza.

Less than a month ago, we celebrated the Universal Declaration of Human Rights and the international community reaffirmed its pledge to uphold the value of the Declaration. Yet one month after reiterating that "we will not shy away" from the magnitude of the challenges of promoting and protecting human rights, the Security Council appears unable to enforce compliance with resolution 1860 (2009) or to protect the innocent people caught in the ongoing conflict in Gaza.

Resolution 1860 (2009) also condemns all violence and hostilities directed against civilians and all acts of terrorism. Since the adoption of the resolution, the number of Palestinians killed in the Israeli aggression has increased to around 1,000; almost 40 per cent of the killed and the nearly 5,000 wounded Palestinians are women and children.

Empirical evidence throughout history shows that systematic and consistent violations of the rights of civilians are most frequent and pervasive in situations of foreign occupation and suppression of the inalienable right of peoples to self-determination. This holds particularly true for the people of Palestine and of Indian-occupied Jammu and Kashmir.

The challenges of addressing gross violations of international human rights and humanitarian law are exacerbated by the problem of inequity in the international response. While in some situations there is a quick and even a robust response, in others, such as Gaza, the perpetrators enjoy virtual impunity. The record of the Security Council itself in this context is not without blemish. In these circumstances, effective and swift application of the concept of protection of civilians in Gaza is a litmus test for this Council's future actions on this agenda item.

The Fourth Geneva Convention prohibits collective penalties and collective punishment of the civilian population. The responsibility of Israel, as the occupying Power, is clear in that regard. In the context of protecting civilians in Gaza, the international community must live up to its responsibilities, and in particular the Security Council should lead the efforts to implement its own resolution 1860 (2009). We strongly feel that deliberate violence against humanitarian and United Nations personnel helping to protect civilians is unacceptable in any situation.

We call for renewed determination to provide protection to all innocent civilians caught in armed conflicts and under foreign occupation, including those we see dying by the minute in Gaza as we speak.

The President (*spoke in French*): I give the floor to the Permanent Observer of the Holy See.

Archbishop Migliore (Holy See): My delegation welcomes the convening of this open debate on the protection of civilians in armed conflict. The Security Council has been dealing with this topic for more than 10 years, yet civilian security during conflict is becoming more and more critical, if not at times dramatic, as we have witnessed in these past months, weeks and days in the Gaza Strip, Iraq, Darfur and the Democratic Republic of the Congo, to name just a few.

The year 2009 marks the sixtieth anniversary of the Geneva Conventions. Inasmuch as the protection of civilians stems from the norms set out in these Conventions and subsequent Protocols, my delegation trusts that this new year will also provide the occasion for an assessment of the parties' commitment to ensuring protection of civilians through greater respect for the rules of international humanitarian law.

The 2003 update of the aide-memoire to the 10-point platform on the protection of civilians is an important tool for clarifying responsibilities, enhancing cooperation, facilitating implementation and further strengthening coordination within the United Nations system, and remains today more than ever an indispensable road map for bringing protection to civilians entrapped in armed conflicts.

The overwhelming mistreatment of civilians in too many parts of the world does not seem to be just a side effect of war. We continue to see civilians deliberately targeted as a means for achieving political or military gains. In the past few days, we have witnessed a practical failure on every side to respect the distinction between civilians and military targets. It is sadly clear that political and military designs supersede basic respect for the dignity and rights of persons and communities when methods or armaments are used without taking all reasonable measures to avoid civilians, when women and children are used as shields for combatants, when humanitarian access is denied in the Gaza Strip, when people are displaced and villages destroyed in Darfur, and when we see sexual violence devastating the lives of women and children in the Democratic Republic of the Congo.

In such a context, the protection of civilians not only requires a renewed commitment to humanitarian law, but also demands first and foremost good political will and action.

The protection of civilians must be based on the widespread, responsible exercise of leadership. That requires leaders to exercise the right to defend their own citizens or the right to self-determination by resorting only to legitimate means, and it requires them to fully recognize their responsibility to the international community and to respect the right of other States and communities to exist and coexist in peace.

The broad spectrum of mechanisms that the United Nations is putting in place to ensure the protection of civilians will be successful if, at the very least, it is able to foster a culture of responsible exercise of leadership among its Members and if it holds them, and every party to a conflict, accountable with respect to that sense of responsibility towards individuals and communities.

The increasing burden of war-related casualties and consequences imposed on civilians results also from the massive production and increasing sophistication of armaments and from continued innovation in that area. The ever-higher quality and ever-greater availability of small arms and light weapons, as well as anti-personnel mines and cluster munitions, tragically make the killing of human beings that much easier and more efficient. In that context, my delegation fully supports and encourages the objectives of the recent General Assembly resolution 63/240, entitled "Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms", which defines the first important step towards a legally binding instrument on the arms trade and arms transfers. Likewise, my delegation welcomes the adoption of the Convention on Cluster Munitions and encourages countries to ratify that treaty as a matter of priority and as a sign of their commitment to addressing the issue of civilian casualties.

The President (*spoke in French*): I now give the floor to Mr. Holmes to respond to questions and comments raised during the discussion.

Mr. Holmes: The hour is late, and I will be brief. I will not try to respond to all the detailed points that have been made but will just make a few comments.

Obviously, I have listened very carefully to today's debate and to all the comments that have been made. I welcome the continued clear commitment to the protection of civilians agenda as being at the heart of the Council's work and the recognition by most, if not all, speakers of the need to do more to ensure that our words have more impact where they matter most — on the ground — to overcome what more than one speaker described as a disconnect what we may say in this and other chambers and the reality on the ground. I also endorse the point made by so many: that we need to do more to prevent conflicts and tackle their root causes, and not just talk about the effect on civilians.

Understandably, many, if not most, speakers emphasized deep concern at the situation in and around Gaza. Earlier, I gave some casualty figures for Gaza from 13 January. The reason I was not able to give fully up-to-date figures was that the Palestinian Ministry of Health had no power at the time. They have now released the latest casualty figures, as from, I think, 4 o'clock local time today, according to which the figure of Palestinians killed is now 1,013, of whom 322 are children and 76 are women. And the number of injured now stands a 4,560, of whom 1,600 are children and 678 are women. This means that one in every 270 people in Gaza has now been killed or seriously injured in the almost three weeks of hostilities.

These really are shocking figures. Although such comparisons obviously have their limitations, if we translated these figures to the population of New York City, the equivalent proportion would lead us to the number of more than 30,000 dead or injured; and if we compared it to the population of the whole United States, we would reach a figure of over 1 million people.

All this, again, underlines the sentiment expressed by so many in the Chamber today: that we need to do much more to ensure respect for the rules of international humanitarian law governing the conduct of hostilities and to spare the civilian population. But, as I think virtually all speakers emphasized, only a full and fully respected ceasefire will spare the civilian population, on both sides, from the unrelenting danger and fear that they currently face.

A number of speakers referred to the challenge of the implementation of protection of civilians mandates on the ground by peacekeeping missions, as I did in my

own presentation. Although we have been using such mandates as a means through which to enhance protection on the ground, I think we have all acknowledged that their actual impact has to date been mixed. So I welcome the acknowledgement by so many speakers of the need to provide peacekeeping missions with better guidance on how to translate these mandates into action. As I said, the joint study by the Office for the Coordination of Humanitarian Affairs (OCHA) and the Department of Peacekeeping Operations, which is looking at these issues, will of course be brought to the Council's attention later in the year, and we look forward to working with members to take the issues forward.

I am also encouraged by the support expressed in the debate for the expert group of the Council on the protection of civilians, which will meet this week for the first time. Let me assure those who remain concerned at the possible bureaucracy, cost or perceived duplication involved in this group that the expert group is very modest in nature. It is an informal forum for systematic consultation on protection of civilians concerns between the Council and OCHA. It has no cost implications but is simply a means of systematically and transparently relaying information, analysis and possible language on protection issues to all Council members. Its creation is certainly not an attempt to isolate protection of civilians issues from their wider context of conflict prevention and peacebuilding.

The expert group will also be able to play a role in ensuring more consistent application of the aide-memoire. I very much welcome the support which has been expressed for the aide-memoire and for OCHA's work in revising it. Let me thank, in turn, all Council members for their very constructive engagement in this revision process. I look forward to the aide-memoire's use in the future by the Council, and indeed by other actors. We certainly agree with those Member States that have said that it should be reviewed and updated regularly.

In that context, I also welcome the comments from those States that referred to the important role of regional organizations in the protection of civilians. We are working with a number of such organizations, including for example the African Union, the Economic Community of West African States, the European Union and NATO. And I would very much agree with the sentiment expressed by the representative of Uganda, that the aide-memoire should prove to be a useful vehicle through which to share the Council's experience on the protection of civilians with the African Union.

Let me make just two final brief points. First of all, at least two speakers — I think the representatives of Burkina Faso and Finland — referred to the importance of women's participation in all stages of conflict prevention and peace process: that is, having women at the table in all these areas. Let me take the opportunity to wholeheartedly endorse that thought and to express the wish that it will be respected more in peace negotiations and other forums as they go forward.

Secondly, and finally, a number of delegations welcomed the conclusion of the Convention on Cluster Munitions. Some also referred to the continuing work in Geneva in the framework of the Convention on Certain Conventional Weapons to try to reach an agreement in that forum as well. Let me simply express the hope that any agreement there will not mark any regression from what has been achieved in the Oslo Convention on Cluster Munitions.

I thank you very much, Mr. President, for the opportunity to address the Council. I also thank all speakers for their contributions and their support.

The President (*spoke in French*): I thank Under-Secretary-General Holmes for his additional comments. I thank him for his presence before the Security Council today.

Following consultations among the members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

> "The Security Council reaffirms its commitment to the full and effective implementation of its resolutions on the protection of civilians in armed conflict and recalls previous statements on the issue made by its President.
>
> "The Security Council remains committed to addressing the impact of armed conflict on civilians. The Council expresses its deepest concern that civilians continue to account for the majority of victims of acts of violence committed by parties to armed conflicts, including as a result of deliberate targeting, indiscriminate and excessive use of force, use of civilians as human

shields and of sexual and gender-based violence, as well as all other acts that violate applicable international law. The Security Council condemns all violations of international law, including international humanitarian law, human rights law and refugee law, committed against civilians in situations of armed conflict. The Council demands that all relevant parties immediately put an end to such practices. The Council reaffirms in this regard that parties to armed conflict bear the primary responsibility to take all feasible steps to ensure the protection of affected civilians and to meet their basic needs, including by giving attention to the specific needs of women and children.

"The Security Council recalls the obligations of all States to ensure respect for international humanitarian law, including the four Geneva conventions, and once again emphasizes the responsibility of States to comply with their obligations to end impunity and to prosecute those responsible for war crimes, genocide, crimes against humanity or other serious violations of international humanitarian law.

"The Security Council recognizes the needs of civilians under foreign occupation and stresses further, in this regard, the responsibilities of the occupying Power.

"The Security Council condemns terrorism in all its forms and manifestations, however and by whomever committed.

"The Security Council underlines the importance of safe and unhindered access of humanitarian personnel, and of the timely, safe and unhindered passage of essential relief goods, to provide assistance to civilians in armed conflict in accordance with applicable international law. The Council stresses the importance of upholding and respecting the humanitarian principles of humanity, neutrality, impartiality and independence.

"Recalling that on 15 March 2002 the Security Council first adopted the aide-memoire annexed in the statement by its President (S/PRST/2002/6) as a means to facilitate its consideration of issues pertaining to protection of civilians and recalling further that in the statements by its President of 20 December 2002 (S/PRST/2002/41) and 15 December 2003 (S/PRST/2003/27), the Security Council expressed its willingness to update the aide-memoire regularly in order to reflect emerging trends in the protection of civilians in armed conflict, the Security Council adopts the updated aide-memoire contained in the annex to this presidential statement.

"The Security Council reiterates the importance of the aide-memoire as a practical tool that provides a basis for improved analysis and diagnosis of key protection issues, particularly during deliberations on peacekeeping mandates, and stresses the need to implement the approaches set out therein on a more regular and consistent basis, taking into account the particular circumstances of each conflict situation, and undertakes to remain actively seized of the matter."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2009/1.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 7.05 p.m.